

TOM MYERS, ESQ. SBN 176008  
Email: tom.myers@aidshhealth.org  
ARTI L. BHIMANI, ESQ. SBN 235240  
Email: arti.bhimani@aidshhealth.org  
**AIDS HEALTHCARE FOUNDATION**  
6255 West Sunset Boulevard, 21st Floor  
Los Angeles, CA 90028  
Telephone 323-860-5200

Attorneys for Plaintiffs  
**AIDS HEALTHCARE FOUNDATION**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

AIDS HEALTHCARE FOUNDATION,  
  
Petitioner,  
  
v.

ERIC GARCETTI, in his capacity as Mayor of  
the City of Los Angeles; LAURA  
GUGLIELMO, in her capacity as Executive  
Director of the Los Angeles  
Housing+Community Investment Department;  
and DOES 1 through 10, inclusive,  
  
Respondents.

**Case No. 19STCF04532**

**VERIFIED PETITION FOR WRIT OF  
MANDATE, AND ADMINISTRATIVE  
WRIT**

(Code Civ. Proc. §§ 1085, 1086 and  
1094.5)

1 Petitioner AIDS Healthcare Foundation (“AHF”) petitions this court for a writ of  
2 mandate directed to Eric Garcetti, in his capacity as Mayor of the City of Los Angeles, and Laura  
3 Guglielmo, in her capacity as Executive Director of the Los Angeles Housing+Community  
4 Investment Department (collectively referred to as “City of Los Angeles” or the “City”), and  
5 alleges as follows:

### 6 **INTRODUCTION**

7 1. AHF brings this action to require City of Los Angeles to follow the requirements  
8 of the City of Los Angeles Administrative Code for procuring services through a competitive  
9 bidding process related to its Proposition HHH Housing Challenge Request for Proposals (the  
10 “RFP”). City of Los Angeles Administrative Code section 10.15 *et. seq.* requires City of Los  
11 Angeles to follow a fair competitive bidding process to ensure that proposals are properly  
12 evaluated and that awards of City funds are made to proposals that are most advantageous to the  
13 City. The City of Los Angeles’ failure to abide by the competitive bidding requirements under  
14 its own regulations resulted in AHF being denied access to City funds despite submitting a  
15 proposal clearly advantageous to the City.

### 16 **PARTIES**

17 2. Petitioner AIDS HEALTHCARE FOUNDATION is a California nonprofit  
18 corporation doing business as Healthy Housing Foundation (“HHF”) which provides decent  
19 housing units at an affordable cost to low-income people, including families with children, and  
20 those previously unsheltered or homeless. HHF offers priority placement to individuals with  
21 chronic health conditions, including HIV/AIDS.

22 3. Respondent ERIC GARCETTI is the Mayor of the City of Los Angeles.

23 4. Respondent LAURA GUGLIELMO is the Executive Director of the Los Angeles  
24 Housing+Community Investment Department.

25 5. Petitioners are unaware of the true names and capacities of Respondents DOES 1  
26 through 10, inclusive, and they are therefore sued by such fictitious names pursuant to Code of  
27 Civil Procedure section 474. Petitioners allege on information and belief that each such fictitiously  
28 named Respondent/Defendant is responsible or liable in some manner for the events and

1 happenings referred to herein, and Petitioners will seek leave to amend this Complaint to allege  
2 their true names and capacities after the same have been ascertained.

### 3 **JURISDICTION AND VENUE**

4 6. This Court has original jurisdiction over this matter pursuant to article VI, section  
5 10 of the California Constitution and sections 1085, 1086, and 1094.5 of the Code of Civil  
6 Procedure.

7 7. Venue is proper in the County of Los Angeles pursuant to Code of Civil  
8 Procedure section 394 in that Respondents are governmental representatives of the City of Los  
9 Angeles, a subdivision of the County of Los Angeles.

### 10 **GENERAL ALLEGATIONS**

#### 11 **The Procurement Process for the RFP Must Comply with City Regulations**

12 8. On May 9, 2019, the Los Angeles Housing+Community Investment Department  
13 (“HCIDLA”), in conjunction with the city of Los Angeles Mayor’s Office, issued a Proposition  
14 HHH Housing Challenge Request for Proposals (the “RFP”) with the goal of identifying  
15 innovative housing production and/or financial models that can produce supportive and/or  
16 affordable units with funding from Proposition HHH (“Prop HHH”). (Attached as **Exhibit “A”** is  
17 a true and correct copy of the RFP and its various addendums issued by HCIDLA.)

18 9. On or about June 10, 2019, AHF submitted a timely proposal to HCIDLA  
19 detailing AHF’s qualifications and requesting a Subordinate Loan in the amount of \$24,800,00 to  
20 construct between 248-262 units of permanent supportive housing for single adults and older  
21 adults, including LGBTQ individuals and persons living with chronic health conditions, in the  
22 Skid Row area of Los Angeles.

23 10. AHF’s proposal demonstrated that the organization focuses on a quick and  
24 inexpensive model of adaptive reuse. As of the end of 2018, AHF already owned and operated  
25 approximately 600 affordable housing units in Southern California and is developing affordable  
26 housing across 15 acres of land in South Florida. Additionally, AHF affiliate organizations  
27 provide a range of housing resources and placements to over 500 individuals and families across  
28 the United States each year. AHF’s housing efforts in the Los Angeles area include Single

1 Room Occupancy (SRO) accommodations at three properties and Emergency Family Housing at  
2 fourth location.

3 11. On or about August 22, 2019, AHF received notification from HCIDLA that the  
4 City declined AHF's proposal, indicating that the final score for AHF's proposal had been  
5 calculated as 63 out of 100 possible points, which did not meet the minimum score requirement  
6 of 75 points to be considered for funding. (Attached as **Exhibit "B"** is a true and correct copy of  
7 the August 22, 2019 correspondence from HCIDLA to AHF.)

8 12. The City of Los Angeles received 19 applications for funding in response to the  
9 RFP. As part of the RFP process, HCIDLA, the Mayor's Office, and a panel of judges reviewed  
10 all the proposals and assigned points scores to each proposal. The final point score assigned to  
11 each proposal was used by the City to make recommendations for funding/support.

12 13. On August 27, 2019, AHF filed a timely appeal of the City's decision to deny  
13 AHF's application pursuant to the express terms of the RFP, alleging that the RFP review and  
14 scoring process was flawed and that resulting recommendations were arbitrary and capricious.  
15 (Attached as **Exhibit "C"** is a true and correct copy of AHF's August 27, 2019 appeal submitted  
16 to HCIDLA.)

17 14. AHF's appeal informed HCIDLA and the Mayor's Office that all evidence of  
18 noncompliance and violation of the City's legal obligations was solely in the possession of  
19 HCIDLA and the Mayor's office and that (i) AHF was submitting a public record request to  
20 HCIDLA seeking relevant documents related to the RFP process and (ii) AHF would supplement  
21 its appeal after obtaining and reviewing responsive materials. (Attached as **Exhibit "D"** is a true  
22 and correct copy of AHF's August 27, 2019 request for public records.)

23 15. On September 4, 2019, AHF received a response to its records request from  
24 HCIDLA stating that the "RFP was managed by the Mayor's Staff, although our Land Development  
25 Unit in HCIDLA assisted with the release of the HHH Innovative Housing Challenge RFP and  
26 threshold review, but all documents following the initial threshold review are held by the Mayor's  
27 team. Consequently, please contact the Mayor's office for records." (Attached as **Exhibit "E"** is a  
28 true and correct copy of the September 4, 2019 correspondence from HCIDLA.)

1           16.     Immediately on September 4, 2019, AHF dutifully submitted a request for public  
2 record to the Mayor’s Office, again noting that the request was related to an RFP appeal and  
3 stressing that all evidence of noncompliance and violation of the City’s legal obligations was  
4 solely in the possession of the City. (Attached as **Exhibit “F”** is a true and correct copy of  
5 AHF’s public record request submitted to the Mayor’s Office on September 4, 2019.)

6           17.     On September 16, 2019, AHF received a terse response from the Mayor’s Office  
7 stating only that “[it] is our policy not to disclose materials related to competing bids while the  
8 contracting process is still ongoing.” Notably, the Mayor’s Office did not cite any sections of the  
9 California Public Records Act (“CPRA”) as justification for withholding obviously public  
10 records. (Attached as **Exhibit “G”** is a true and correct copy of the correspondence received  
11 from the Mayor’s Office on September 16, 2019.)

12           18.     To date, AHF has received only a handful of relevant documents from the City  
13 and has filed a writ with the Los Angeles Superior Court seeking an order forcing the City to  
14 comply with the CPRA and to produce the requested public records to AHF.

15           19.     While stonewalling AHF’s efforts to obtain relevant public documents that would  
16 allow it to prosecute its appeal, the City summarily dismissed AHF’s appeal via letter dated  
17 September 12, 2019, stating in part that there was “no basis for the claim that the processes used  
18 to review, score, and award funds violate the reasons, criteria, and categories set forth in the  
19 RFP”—despite the fact that any evidence of such illegal conduct was solely in the City’s  
20 possession and control and deliberately withheld from AHF. (Attached as **Exhibit “H”** is a true  
21 and correct copy of the correspondence received from HCIDLA on September 16, 2019.)

22           20.     The Los Angeles City Administrative Code imposes requirements on the City  
23 when it undertakes a competitive bidding process. Specifically, the City is required to comply  
24 with Division 10, Chapter 1, Article 2 of the Administrative Code (Procedure and Requirements  
25 for Competitive Bidding on City Contracts, which states that when not making an award to the  
26 lowest bidder:

27           **§10.15 Competitive Bids.**

28           (f)(7) Proposals shall be evaluated on the basis of compliance with the RFP

1 requirements and the merits of the proposal rather than comparing one proposal  
2 against another. Only the evaluation criteria stated in the RFP will be considered  
3 in the evaluation of proposals.

4 And

5 (f)(11) Award shall be made to the proposer whose proposal is most advantageous  
6 to the City, except that the Purchasing Agent or his or her representative, or in the  
7 case of the Departments of Airports, Harbor and Water and Power the General  
8 Managers or their representatives may reject any or all offers if rejection is in the  
9 best interest of the City. The contract file shall state in writing the basis on which  
10 the award is made. No award may be made pursuant to this alternative method to a  
11 proposer whose final proposal is higher as to the ultimate cost to the City, as  
12 defined in City Charter section 371, and if such can be determined, than any other  
13 proposal submitted.

14 **The Procurement Process for the RFP Fails to Comply with City Regulations**

15 21. L.A. Admin. Code § 10.15(f)(7) requires that proposals for competitive bids be  
16 “evaluated on the basis of compliance with the RFP requirements and the merits of the proposal  
17 rather than comparing one proposal against another.” Yet, the City’s procurement process for  
18 the RFP is rife with arbitrary actions that are in direct contravention of its obligations.

19 22. On September 18, 2019, Jennifer Kim, the Housing Innovation Program Director  
20 for HCIDLA met with AHF staff to discuss the supposed deficiencies in AHF’s proposal, and the  
21 explanations offered to AHF demonstrate that the City failed to follow L.A. Admin. Code §  
22 10.15(f)(7).

23 23. First, the City asserts that it was concerned about AHF’s perceived lack of  
24 experience as a developer, and Ms. Kim acknowledged that the City compared AHF’s perceived  
25 experience to other bidders. This approach directly violates L.A. Admin. Code § 10.15(f)(7)—  
26 the City is obligated to assess AHF’s proposal only against the RFP requirements and cannot do  
27 so by “comparing one proposal against another.”

28 24. Second, the City was supposedly concerned about whether AHF anticipated the

1 challenges involved in developing a 15-story modular, residential tower that relies on an untested  
2 typology. However, the very purpose of the RFP is to provide support for “innovative housing  
3 production and/or financial models,” and that’s precisely what AHF proposed. To penalize AHF  
4 proposing precisely what the RFP seeks is clearly a violation of L.A. Admin. Code §  
5 10.15(f)(7)—the City’s assessment of AHF’s proposal is limited to the four corners of the RFP  
6 itself, and the City deviated from this requirement.

7 25. Third, L.A. Admin. Code § 10.15(f)(11) requires the City to select proposals that  
8 are the “most advantageous,” yet the City has failed to do so. The City received 19 applications  
9 in response to the RFP and selected a subset of those proposals for support/funding. The City  
10 has made no showing, nor even an attempt to show, that its selections are the most advantageous  
11 for the citizens of Los Angeles.

12 **AHF Exhausted Its Administrative Remedies Prior to Bringing This Action**

13 26. Appeal rights are addressed by Section III, E. of the RFP which indicates that the  
14 only appeal available to aggrieved bidders is to HCIDLA itself.

15 27. In accordance with the RFP requirements, AHF appealed the City’s decision via  
16 letter delivered to HCIDLA on August 27, 2019. The City denied AHF’s appeal on September  
17 12, 2019.

18 28. The City does not permit any further appeal or adjudication. At this point, AHF  
19 has performed any and all conditions precedent to the filing of this lawsuit by participating in  
20 and exhausting all phases of the administrative process. No administrative remedies short of  
21 court intervention exist for AHF.

22 **FIRST CAUSE OF ACTION**

23 (Writ of Mandate against the City of Los Angeles)  
24 (Code Civ. Proc., §§ 1085 and 1086)

25 29. Petitioner re-alleges and incorporates by reference the allegations set forth in  
26 paragraphs 1 through 28 above.

27 30. The City of Los Angeles has a duty to adhere to its regulations when engaging in  
28 competitive bidding for award of City funds.

31. The City failed to adhere to the Los Angeles Administrative Code in its

procurement process for the RFP as detailed above.

32. AHF seeks to compel the City to adhere to its own regulations, including L.A. Admin. Code § 10.15 *et. seq.*, in awarding funding under the RFP.

33. AHF has no plain, speedy, or adequate remedy at law in that the City is proceeding to award funds under the RFP in a manner inconsistent with the requirements outlined by the City's own regulations.

34. If this writ is not issued AHF will be harmed in that AHF will denied City funds it would be entitled to receive had the City followed proper procedure.

35. This petition for writ of mandate is timely filed pursuant to section 1085 of California Code of Civil Procedure.

**SECOND CAUSE OF ACTION**

(Writ of Mandate against the City of Los Angeles)  
(Code Civ. Proc., § 1094.5)

36. Petitioner re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 35 above.

37. AHF challenges the decision made by the City in not awarding any funds to AHF under the RFP. The City acted arbitrarily and capriciously in its procurement process for the RFP because it has a duty to adhere to its own regulations when engaging in competitive bidding for award of City funds. The funding for RFP is City funds obtained through bonds issued pursuant to Proposition HHH. Accordingly, the City of Los Angeles was at all times relevant to this Complaint required to adhere to its own regulations on competitive bids, including L.A. Admin. Code § 10.15.

38. The City failed to adhere to these regulations in its procurement process for the RFP, as detailed above, and the City abused its discretion in the choosing to proceed in a procurement process that violated City law.

39. The City's decision was also unreasonable, arbitrary, and a prejudicial abuse of discretion in that the supposed deficiencies in AHF's proposal are not supported by substantial evidence.

40. The City's determination resulted from conduct that directly violated the



1 procurement requirements of L.A. Admin. Code § 10.15 in that the City employed standards  
2 outside of the RFP itself to evaluate AHF's proposal and compared AHF's responses directly to  
3 other bidders in contravention of explicit regulations prohibiting such action.

4 41. Had the City not acted in an arbitrary and capricious manner and followed the  
5 established criteria for conducting a competitive bidding process, AHF would have been awarded  
6 funding under the RFP.

7 42. This petition for administrative writ was timely filed pursuant to section 1094.5 of  
8 California Code of Civil Procedure.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner pray for judgment as follows:

11 1. That this Court issue a writ of mandate commanding the City of Los Angeles to  
12 set aside its decision denying funding to AHF under the RFP and have the City reconsider  
13 whether an award of funds for AHF under the RFP is proper in light of the requirements  
14 imposed on it under City law;

15 2. That this Court issue an administrative writ to set aside the City's decision  
16 denying funding to AHF under the RFP and have the City reconsider the evidence favoring an  
17 award of funding to AHF under the RFP;

18 3. That this Court award AHF its costs and attorneys' fees; and

19 4. That this Court grant AHF such other, different, or further relief as the Court  
20 may deem just and proper.

21  
22 DATED: October 21, 2019

Respectfully Submitted,

23 AIDS HEALTHCARE FOUNDATION

24  
25 By Tom Myers  
26 Tom Myers  
27 Arti L. Bhimani  
28 *Attorneys for Petitioner*

**VERIFICATION**

I, Michael Weinstein, declare:

I am President of AIDS Healthcare Foundation (AHF) and a Los Angeles County taxpayer.

I am authorized to make this verification for Petitioners/Plaintiffs.

I have read the foregoing Verified Amended Petition for Writ of Mandate and Administrative Writ and know the contents thereof. Said contents are known to me to be true except those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21<sup>st</sup> day of October, 2019 at Los Angeles, California,



Michael Weinstein

# Exhibit A



# CITY OF LOS ANGELES

## PROPOSITION HHH (PROP HHH) HOUSING CHALLENGE

### REQUEST FOR PROPOSALS (RFP)

Issued:

**May 9, 2019**

Deadline to Submit Proposals:

**June 24, 2019**

Proposers Conference Dates:

**May 16, 2019**

Business Inclusion Program (BIP) Outreach Deadline

**June 10, 2019**

City of Los Angeles  
 Proposition HHH Housing Challenge  
 Request for Proposals

<b>Issue Date</b>	<b>May 9, 2019</b>
<b>Proposers Conference</b> <i>(Proposers that do not attend the Proposers' Conferences will not be eligible to submit a response to this RFP)</i>	<b>May 16, 2019 at 10:00AM.</b> Location: via Webinar Register here: <a href="https://attendee.gotowebinar.com/register/4620003123013278211">https://attendee.gotowebinar.com/register/4620003123013278211</a>
<b>Business Inclusion Program (BIP) Outreach Deadline</b> <b>(Los Angeles Business Assistance Virtual Network (LABAVN))</b>	<b>June 10, 2019 <u>no later than 11:59 p.m.</u></b>
<b>Technical Questions</b>	Submit questions by <u>email ONLY</u> to: <a href="mailto:Hcidla.cratransition@lacity.org">Hcidla.cratransition@lacity.org</a>  <u>Last day</u> to submit questions: <b>June 14, 2019, by 11:59 p.m.</b>  All answers to submitted questions will be posted on the LABAVN site at <a href="https://labavn.org/">https://labavn.org/</a> . <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Round of Responses to Questions posted: <b>May 27, 2019</b></li> <li>• 2<sup>nd</sup> Round of Responses to Questions posted: <b>June 7, 2019</b></li> <li>• Final Round of Responses to Questions posted: <b>June 19, 2019</b></li> </ul>
<b>Proposal Submission Deadline</b>	<b>June 24, 2019, 4:00 p.m.</b>  Proposals <u>must be</u> hand- or courier-delivered by 4:00 p.m.  Proposals submitted via U.S. Postal Service, fax or e-mail <u>will not be accepted</u> .
<b>Submission Address</b>	Los Angeles Housing + Community Investment Department Prop. HHH Challenge RFP 1200 West 7 <sup>th</sup> Street Los Angeles, CA 90017 Attention Rick Tonthat

City of Los Angeles  
Proposition HHH Housing Challenge  
Request for Proposals

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## **II. Program Overview**

### **A. Purpose**

The Los Angeles Housing and Community Investment Department (HCIDLA), with the assistance of the City Administrative Officer (CAO) and the Mayor's Office, is issuing this Request for Proposals (RFP) with the goal of identifying innovative housing production and/or financial models that can produce supportive and/or affordable units with funding from Proposition HHH (Prop HHH), completed no more than (2) years from funding contract execution. Proposals should encourage long-term permanent supportive environments for persons formerly experiencing homelessness.

The Mayor and City Council have approved a set-aside of up to \$120 million of Prop HHH bond authorization for this RFP to finance up to 1,000 new supportive housing units, as recommended by the Prop HHH Citizens Oversight and Administrative Oversight Committees. In particular, this program seeks to fund innovative housing typologies that clearly respond to the urgency of the City's homeless crisis.

### **B. Background**

The passage of Prop HHH in November 2016 authorized the City of Los Angeles (City) to issue up to \$1.2 billion in General Obligation Bonds (GO bonds) for permanent supportive and affordable housing and facilities for persons experiencing homelessness. To date, the City has issued \$312 million in Prop HHH bonds to finance 2,132 units and committed an additional \$245 million for 1,579 units.

Prop HHH provides funding for the construction of permanent supportive housing (PSH) units, which must include onsite services for extremely low income (up to 30 percent of Area Median Income (AMI)) and very low income (up to 50 percent of AMI) households. The measure allows for no more than 20 percent of the proceeds to be used for affordable units for households up to 80 percent of AMI (Ordinance 184409, Council File 16-1800-S2).

For more information about current projects financed by Prop HHH, visit the "Supportive Housing Developments page" of <https://hcidla.lacity.org/prop-hhh>. Various reports on the status of current projects financed with Prop HHH from the HCIDLA, can also be found on the CAO's website at <http://cao.lacity.org/Homeless/index.htm>.

### III. Proposal Guidelines

#### A. Eligibility Requirements for Proposers

A Proposal(s) will be deemed ineligible and will not be reviewed if the Developer does not satisfy the following requirements:

- Proposers must be qualified to conduct business in the State of California. Non-profit and for-profit development entities are eligible, including any sole proprietorship, partnership, limited liability company, corporation, association or other legal entity.
- At minimum, the members of the Development Team must possess the following:
  - A lead developer that can demonstrate the ability to successfully finance, design, and build supportive housing for vulnerable populations. They must identify and deliver innovative construction, entitlement, financial methods and/or underutilized sources of funding as leverage to Prop HHH to expedite the current average predevelopment and construction phases and/or lower the current average Prop HHH subsidy amount needed to construct supportive housing, while maintaining high-quality, durable supportive environments for persons experiencing homelessness.
  - A property manager that can demonstrate experience managing at least 50 units for at least the past three years, housing populations with Special Needs.
  - A lead service provider that can demonstrate at least 24 months experience providing services in permanent housing to each of the target populations for the supportive housing units in the proposed project.
- To submit a Proposal(s), Developers must register with the Los Angeles Business Assistance Virtual Network (LABAVN) via the website ([www.labavn.org](http://www.labavn.org)) prior to the Proposal due date, June 24, 2019.
- A representative of the Developer or developer team must attend the mandatory Proposers Conference at **10 a.m. on May 16, 2019 via a webinar**, and is required to sign in using an email address associated with the Developer.
- Proposal(s) must be submitted by the due date, **4:00 p.m. on June 24, 2019.**
- Proposal(s) must include required information and completed Forms A through I, and completed and certified Forms C and G uploaded to LABAVN as identified in Attachment A and Section IV.D of this RFP.
- Proposal(s) must include required letter, "Understanding and Agreement and Adverse Findings Self-Certification," on company letterhead, signed by authorized signatory
- Proposal(s) must result in the creation of *new* housing units. Any project that entails permanent displacement of existing tenants is not eligible.
- Proposal(s) will meet all the requirements of the California Environmental Quality Act (CEQA) and if necessary, the National Environmental Policy Act (NEPA)



- Proposal(s) will comply with the City's Accessible Housing Program (AHP), and all other applicable accessibility laws and agreements, including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
- Proposal(s) will complete construction and expend all Prop HHH funds within 18 months of the loan agreement execution
- Be qualified to conduct business in the State of California as evidenced by the organization's business registration with the California Secretary of State.
- Be in good standing with the California Secretary of State, if a corporation or limited liability company.
- Have not been determined to be non-responsible or been debarred by the City pursuant to the Contractor Responsibility Ordinance.
- Have not been debarred by the federal government, State of California or local government.
- Developers cannot currently be involved in any HCIDLA- and/or CRA/LA-funded projects or projects of other public lenders that is making poor progress towards completion.
- The total of all development, either under way or in predevelopment, must be achievable within Developers' existing financial and administrative capacity and experience. Additionally, the Developer must have the capacity to begin and complete construction in a timely manner.
- The Developer or any person or entity associated with the Developer, must not be subject to any adverse findings, such findings could include, but are not limited to:
  - Out-of-compliance with HCIDLA business practices;
  - Removal or involuntary exit of the Developer or any of its principals, from an ownership position in any publically-funded residential, commercial or industrial project;
  - Arson conviction or pending arson case;
  - Harassment conviction or pending harassment case;
  - Federal, State, City or private mortgage foreclosure proceedings or arrears;
  - In remedial foreclosure; subject to sale from tax lien or currently in substantial tax arrears;
  - Developer has defaults with Federal, State or City-sponsored program(s);
  - Federal Debarment; Developer involved in cases of debarment, suspension or proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency from doing business with the Federal Government;
  - Developer has a record of substantial building code violations or litigation filed against properties owned or managed by the Developer or by any entity or individual that is directly associated with the Developer;
  - Developer is involved in past or pending voluntary or involuntary bankruptcy proceedings;
  - Developer is in litigation with the City of Los Angeles; and,
  - Developer is/has been convicted of fraud, bribery or grand larceny.

## B. Program/Project Requirements

- **HHH Ineligible or Unfeasible.** Proposers must demonstrate that their proposed projects are ineligible or unfeasible under the current HCID Prop HHH Call for Project guidelines.
- **Location.** All proposed projects must be located within the boundaries of the City of Los Angeles.
- **Housing Typologies.** All housing typologies are eligible, including shared housing, provided the Proposers can demonstrate to the City's satisfaction their ability to encourage long-term, sustainable, permanent supportive environments for persons experiencing homelessness.
- **Displacement and Creation of New Units.** All projects funded through this RFP must result in the creation of *new* housing units. Any project that entails permanent displacement of existing tenants is not eligible.
  - If a proposed project entails development activity on a site with existing housing units, the final project must net 100% more units (i.e. double) than the original number of units.
  - If the existing housing units on the site were occupied by tenants during the six months prior to, or during purchase negotiations, a relocation assessment must be submitted prior to securing any funding commitment made through this RFP. Note that if a project entails relocation of existing tenants, the final project must also allow for a right-of-return for tenants that were temporarily relocated, at his or her prior rental rate.
    - If the proposed project/development strategy entails or will likely entail temporary displacement, Section V below describes that proposers are required to submit a copy of their relocation consultant's agreement, and the consultant's resume/qualifications, must be provided.
    - Selected projects/strategies will need to provide the City with a more detailed relocation assessment (performed by a qualified relocation consultant) before any funding commitments are made. The relocation plan will need to include at a minimum:
      - A reasonable cost estimate;
      - Identification of the number of households or businesses to be displaced;
      - A current rent roll at the time of application;
      - Confirmation that relocated households will be eligible for the proposed units;
      - Addresses of the required relocation notices; and
      - A description of the proposed advisory services to be provided to the displaced households/businesses.

The relocation assessment will need to include a detailed cost estimate based on compliance with State Regulations or the City of Los Angeles' Rent Stabilization Ordinance (RSO), whichever is applicable to each individual household and is most financially beneficial to the individual

household. Please note that at minimum, the RSO relocation benefit amount must be provided to each qualifying household where the federally-prescribed relocation assistance amounts are less than the current RSO-prescribed amount.

- **Proposal Type.** Proposers may submit only one Proposal for either a:
  - **Subordinate Loan** (with similar terms and underwriting policies and procedures of the current Prop HHH Loan Program, which can be found at <https://hcidla.lacity.org/prop-hhh-terms-regulations>) to support an individual project for which the Proposer already has site control, or
  - **Prop HHH Reservation** (of up to \$40m) for Development Teams that wish to pursue multiple projects and/or alternative financing strategies other than the current Prop HHH Loan Program. Proposers seeking a Prop HHH reservation under this category are not required to demonstrate site control. However, if site control is not secured by the time of application, Proposers should demonstrate that their proposed acquisition strategy is feasible as described in Section V, Proposal Guidelines and Proposal Package Instructions.
- **Terms of Funding Commitments.**
  - Individual projects with site-control that are selected through this RFP for funding with the traditional Prop HHH subordinate loan program will receive a 12-month conditional commitment of Prop HHH funding. The commitment will expire if the project has not obtained all required financial and legal approvals necessary for construction loan closing within 12 months of the date of funding award. After loan closing, projects must complete construction and expend all Prop HHH funds within eighteen (18) months of the loan agreement execution.
  - Alternative development strategies that are selected through this RFP for a Prop HHH Reservation will receive a reservation of Prop HHH funding that will last for no more than 4 months after a Prop HHH Housing Challenge Program Agreement has been executed with the City detailing the specific financing and development terms of the strategy. The execution of that agreement must be completed within 2 months of being selected through this RFP. During the 4-month period after the agreement has been executed, Development Teams must secure site control for individual projects before a portion of that reservation can convert to project-specific conditional commitments under the terms described above for individual projects with site-control—conditional commitments will last no longer than 12 months, and construction must be completed within 18 months. Funding will only be provided to individual resulting projects at or following construction loan closing, and only for eligible project development costs.

- **Funding Amounts.** The minimum funding amount to any individual proposal from this program shall be \$500,000, and the maximum funding amount is \$40 million. The maximum subsidy amount to any individual project funded with this RFP is equal to \$140,000 times the number of permanent supportive housing (PSH) units reserved for persons and/or families experiencing homelessness and earning less than 50% of the Los Angeles County Area Median Income, as determined by HUD. The City will consider a per-unit subsidy of up to \$220,000 if projects can demonstrate the ability to repay the difference between the maximum subsidy amount allowed and the requested subsidy amount (with accrued interest, if any) no more than three years after project completion, with the project not being eligible for any future capital funding from the City.
- **Other Requirements.**
  - All projects must be able to obtain Building Permits and Certificates of Occupancy from the City of Los Angeles.
  - Projects must include ancillary space for the provision of the on-site supportive services, such as mental health treatment, health care, drug and alcohol treatment, education and job training. Said services may be provided by the City, other public entities, nonprofit entities and/or private entities in alignment with a proposed service plan for the populations intended to be served.
  - All projects must use the Coordinated Entry System (CES) for tenant selection.
  - Projects will be subject to a 55-year affordability recorded land covenant covering the number of units at the project to be funded by Prop HHH.
  - Projects with 65 housing units or more will be subject to a Project Labor Agreement (PLA) (Ordinance No. 185523, Council File 17-0090-S1).
  - Certain Projects may qualify for an exception to Prevailing Wage requirements under Section 1720 of the CA Labor Code (and case law interpreting this section) if the proposed project's only source of public funding (construction or operational) is Prop HHH. Proposers should seek independent legal advice on whether their particular project(s) may qualify for an exception to Prevailing Wage. If a proposer determines that an exception applies, the proposal should clearly indicate in the summary that the project scope and budget assume Prevailing Wage will not apply and the basis for this determination, which will then be considered as part of the Project's feasibility review and scoring. The City disclaims any liability for future penalties, fines, or associated costs that a proposer or members of the Development Team may incur as a result of future prevailing wage enforcement actions by private parties, the State, or any other regulatory body. Successful proposers claiming a Prevailing Wage exception will also be required by contract to indemnify the City for any costs the City incurs, directly or indirectly, as a result of such enforcement actions.
  - All housing developments must comply with the City's Accessible Housing Program (AHP), and all other applicable accessibility laws and agreements, including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- Projects must meet all the requirements of the California Environmental Quality Act (CEQA) and if necessary, the National Environmental Policy Act (NEPA).
- Funds may not be used for service program or operational expenses.
- Funds may only be used for acquisition and/or construction-related activities.
- Funds may not be used to reimburse costs incurred prior to the date of execution of the Prop HHH Housing Challenge Program Funding Agreement.

## C. RFP Schedule and Requirements

- **Proposal Period.**

**This RFP will be open for submissions from Thursday, May 9, 2019 through Monday, June 24, 2019, at 4:00 p.m.** No late submissions will be accepted. All proposals must be submitted to:

Los Angeles Housing + Community Investment Department  
Prop. HHH Challenge RFP  
1200 West 7th Street  
Los Angeles, CA 90017  
Attention Rick Tonthat

- **Mandatory Proposers' Conferences.**

In order to be eligible to submit a proposal, a representative of the proposing agency must attend the Proposers Conference.

The Proposers Conference will be held via webinar 10:00 a.m. on **May 20, 2019** at <https://attendee.gotowebinar.com/register/4620003123013278211>. Failure to attend the Proposers Conference will disqualify a proposer from submitting any proposals.

- **Questions.**

All questions regarding the Prop HHH Housing Challenge Program RFP should be emailed to [hcidla.cratransition@lacity.org](mailto:hcidla.cratransition@lacity.org). Responses to all questions will be posted to the Los Angeles Business Assistance Virtual Network (LABAVN; [labavn.org](http://labavn.org)). Responses to all questions received at each Proposers Conference will also be posted to LABAVN. The last day to submit a question that will receive a response is **June 14, 2019** at 11:59 p.m.

## D. Evaluation Process

Proposers must follow all the instructions in Section V of this RFP, Proposal Guidelines and Proposal Package Instructions, and submit all requested narratives and supporting documentation. City staff will review this information to determine if the proposals meet the minimum evaluation criteria described in subsections III A through C above, and Section V below.

Proposals that meet threshold will be reviewed for Financial Structure and Cost Efficiency by City underwriting staff and/or City underwriting consultants. Proposals that are deemed financially feasible will be reviewed and scored by a panel of experts. Before each proposal is given a final score, proposers will be invited to participate in an optional, standardized interview with the selection panel. Proposals must receive a minimum score of 75 in order to be considered for a funding commitment.

<b>No.</b>	<b>Evaluation Criteria</b>	<b>Maximum Score</b>
1	Development Strategy	15
2	Organizational Structure, Experience, and Capacity	15
3	Design Features	15
4	Financing Structure and Cost Efficiency	30
5	Streamlined Entitlement / Permitting Path	10
6	Construction Timeline and Quality	10
7	Community Engagement	5
	<b>Maximum Total Points</b>	<b><u>100</u></b>

Awards will be made on the basis of project type and geographic location, in addition to the number of points scored.

**1) *Development Strategy = 0 to 15 points***

Proposers must submit a narrative summary and supporting documentation of their proposed project or program's development strategy, following the format described in Section V, Proposal Guidelines and Proposal Package Instructions. The evaluation panel will use this information to score each applicant based on the following considerations:

- **Creative.** Is the proposed solution innovative, effective and efficient as it responds to needs of those experiencing homelessness in Los Angeles? Will the approach improve, expand, and/or amplify existing practices and efforts that will foster long-lasting, compelling benefits for its target beneficiaries? = **0 to 5 points**
- **Achievable.** Is the plan, timeline, and budget practical, resulting in lower costs required to more quickly develop housing for homeless communities in Los Angeles? Does the Proposer demonstrate an understanding of resources, conditions, and/or stakeholders required to be successful? Is the applicant well-positioned to lead with clear understanding of the problem and local conditions, and the capacity to succeed? = **0 to 5 points**
- **Scalable.** Is the proposal replicable and/or well-positioned to become a model to have impact on a larger scale? Will benefits increase over time, improving our understanding of what is possible? = **0 to 5 points**

## **2) Organizational Structure, Experience and Capacity = 0 to 15 points**

Proposers must submit a narrative description of the experience and capacity of the participating organizations and individual team members including but not limited to the lead Developer, the Property Manager and the Service Provider, as described in Section V, Proposal Guidelines and Proposal Package Instructions. The following minimum experience of a Development Team is preferred:

- A lead developer or managing general partner that has been the lead project developer of at least two multifamily housing projects placed in service in California for a period of more than one year within the last three years. **= 0 or 3 points**
- A lead developer or managing general partner that has been the lead project developer of at least two deed restricted, affordable housing projects financed through the City of Los Angeles placed in service in California for a period of more than one year within the last three years. **= 0 or 2 points**

**Panel's Feasibility Review.** Does the proposal's team demonstrate the likelihood of success? Does the proposal include sufficient evidence of each organization's long-term financial stability? Does the organization demonstrate a strong plan for community engagement? **= 0 to 10 points**

## **3) Design Features = 0 to 15 points**

Proposers must describe the proposed projects' architectural design and submit a description of amenities as described in Section V, Proposal Guidelines and Proposal Package Instructions. The following elements will be considered:

- **Unit Amenities.** If all PSH units financed with Prop HHH have kitchen facilities, which shall minimally include a refrigerator, kitchen sink, stovetop, and storage cabinet and a full bathroom, including (at a minimum) lavatory, toilet, and shower **= 0 or 3 points**
- **Community Amenities.** If the project has space reserved on-site for community-serving activities, excluding shared-bathrooms, shared-dining areas and space reserved for services that is required as a threshold review described above (ex. computer labs, open space, craft rooms, etc.) **= 0 to 3 points**
- **Panel's Design Review.** Will the proposal's architectural design likely facilitate long-term stability, encourage social / community connections, and achieve overall tenant satisfaction for persons experiencing homelessness? Does the proposed architectural design improve / expand upon best practices in supportive housing or create a compelling alternative that can be brought to scale if proven successful? **= 0 to 9 points**

## **4) Financing Structure and Cost Efficiency = 0 to 30 points**

Proposers must submit a detailed summary of the proposed financing strategy, including the financing terms, expected total development cost of the project, requested Prop HHH subsidy amount, and additional funding leveraged by the Prop HHH investment following the format described in Section V, Proposal Guidelines and Proposal Package Instructions.

Applications that request lower per-unit Prop HHH subsidy needs will receive the following points:

- ≤ \$50,000 per PSH unit = **10 points**
- \$50,001 - \$75,000 per PSH unit = **9 points**
- \$75,001 - \$100,000 per PSH unit = **7 points**
- \$100,001 - \$125,000 per PSH unit = **5 points**
- \$125,001 - \$139,999 per PSH unit = **3 points**
- ≥ \$140,000 per PSH unit = **0 points**

*Note, that projects requesting higher per-unit subsidy amounts, for which a portion will be paid back within three years of project completion will be scored by the long-term subsidy amount after payback.*

**Panel's Feasibility Review.** Does the proposal's use of Prop HHH funding maximize the public benefit of limited public resources? (Note that funding agreements structured as interest-bearing loans are preferred.) Is the proposal's financing plan feasible and likely to generate long-term financial stability? = **0 to 20 points**

**5) Streamlined Entitlement / Permitting Path = 0 to 10 points**

Proposers must submit a summary of their planned entitlement and permitting paths, following the format described in Section V, Proposal Guidelines and Proposal Package Instructions. Applicants that can demonstrate the ability to take advantage of streamlined permitting processes will receive the following points:

- Fully entitled at the time of application, or permitted through a ministerial ("by-right") process = **5 points**
- Permitted through a discretionary entitlement process with a Mitigated Negative Declaration, a Negative Declaration, Categorical Exemption, or General Exemption through the California Environment Quality Act (CEQA) review process = **4 points**
- All other discretionary approval processes that do not require a General Plan Amendment = **2 points**
- General Plan Amendment = **0 points**

**Panel's Feasibility Review.** Is the proposal's entitlement and permitting plan feasible and likely to result in an accelerated permitting path? = **0 to 5 points**

**6) Construction Timeline and Quality = 0 to 10 points**

Proposers must submit a summary of their planned construction techniques, following the format described in Section V, Proposal Guidelines and Proposal Package Instructions. Proposals that can demonstrate the ability to employ innovative technologies, techniques or materials that result in the following construction timelines after loan closing will receive the following points:

- <9 months = **5 points**
- 9 – 12 months = **4 points**
- 12.1 – 18 months = **2 points**
- ≥18 months = **0 points**



**Panel's Feasibility Review.** Is the proposal's construction plan feasible and likely to result in an accelerated construction timeline? Will the proposed construction materials and techniques likely result in a long-term, durable product? = **0 to 5 points**

***(Note: failure to perform within self-professed timeframe in Proposers' Proposal may be considered in default under the final funding agreement.)***

**7) Community Engagement = 0 to 5 points**

Proposals will be awarded a maximum of five (5) points for proposing an effective community engagement plan for their proposed project and/or development strategy and for demonstrating experience conducting community outreach.

## **E. Appeals**

HCIDLA will adhere to its Protest and Appeal Policy outlined below:

**1. Appeal Rights**

The City will notify all proposers of the results of the Proposal evaluations and of their right to file an appeal. Proposers may appeal procedural issues only, not the final scores.

**2. Letter of Appeals**

Appeals shall be emailed to HCIDLA at [hcidla.cratransition@lacity.org](mailto:hcidla.cratransition@lacity.org) no later than five (5) business days of receiving notification of the results of the RFP. Proposers may file an appeal by submitting a written request and identifying the specific reason for the appeal to:

Los Angeles Housing + Community Investment Department  
RFP Appeal – Prop HHH Challenge  
1200 W. 7th Street, 8th Floor  
Los Angeles, CA 90017

Written appeals may not be more than two (2) typewritten pages and shall request an appeals review be granted. Written appeals must include the following information:

- a. The name, email, address and telephone number of the proposer.
- b. The name/title of RFP to which the organization responded.
- c. Detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original Proposal. Only one appeal per Proposal will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs.

**3. Review Panel**

A panel composed of selected staff will review the appeal for this RFP. The decision of the panel will be final recommendation.

#### **4. Disclaimer**

The City is not responsible for representations made by any of its officers or employees prior to the approval of an agreement by the Los Angeles City Council unless such understanding or representation is included in this RFP or in subsequent written addenda. The City is responsible only for that which is expressly stated in this solicitation document and any authorized written addenda.

#### **F. Final Funding Recommendations**

Final funding recommendations will be reviewed by the Prop HHH Citizens Oversight Committee (COC) and forwarded to the Prop HHH Administrative Oversight Committee (AOC), who is responsible for recommending final approval to the Mayor and City Council.

Development strategies selected through this program are also subject to approval by the City Attorney and the City's external bond counsel, to ensure compliance with all applicable federal, state and local laws before Council and Mayor approval.

#### **G. Proposal Conditions**

1. All costs of the proposal preparation, including site visits if applicable, shall be borne by the Proposer's agency. The City shall not, in any event, be liable for any pre-contractual expenses incurred by the proposer in the preparation or submission of the proposal. The Proposer shall not include any such expense as part of the proposal budget.
2. The proposal must set forth full, accurate, and complete information as required by this RFP. Incomplete proposals will have up to five (5) negative points in their final score.
3. Proposals may be withdrawn by the Proposer by written request at any time up to the time of the funding award, if applicable.

## **IV. Contract Requirements**

In addition to the following, Prop HHH Housing Challenge Program recipients will be required to comply with all of the City's general contracting requirements.

### **A. Authority to Proceed**

Implementation of the proposed activities may proceed only after the City has signed and executed a Prop HHH Housing Challenge Program Agreement for a development strategy or a project-based Conditional Approval for single-development applications. Any project activity or cost associated therewith which takes place prior to contract execution will be at the financial risk of the proposer.

### **B. General City Reservations**

1. The City reserves the right to retain all submitted proposals. Proposals and the information contained therein shall become the property of the City of Los Angeles. Selection or rejection of a proposal does not affect these rights.
2. The City reserves the right to reject any and all proposals and to waive any informality in the proposal when to do so would be in the best interest of the City.
3. The City reserves the right to reject the proposal of any proposer who has previously failed to timely or satisfactorily perform any contract with the City.
4. The City reserves the right to extend the RFP submission deadline for all proposers should such action be in the best interest of the City.
5. The City reserves the right to reject any or all proposals received in response to this request if deemed not feasible or incomplete or not in the best interest of the City.
6. The City reserves the right to reject any or all proposals wherein the City has determined that the proposer is incapable of financing its proposed project in the manner described in the submission.
7. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any contract will be awarded to any proposer responding to this RFP.
8. The City reserves the right to refuse to fund any proposal if the Proposer or Development Team has any outstanding disallowed costs with the City, regardless of the merits of the proposal submitted.
9. The City reserves the right to waive any provision(s) of this RFP to the extent that waiver of such provision(s) allows for the intent of Prop HHH to be implemented.
10. The City reserves the right to recommend proposals based on the geographic distribution of the projects, the appropriate mix of project types, and such other factors that are in the best interest of the City.

## **C. General RFP Information**

### **A. Costs Incurred by Developer**

All costs of Proposal preparation shall be borne by the Developer. The City shall not, in any event, be liable for any pre-contractual expenses incurred by Developers in the preparation and/or submission of the Proposals. Proposals shall not include any such expenses as part of the proposed budget.

### **B. Best Offer**

The Proposal shall include the proposer's best terms and conditions. Submission of the Proposal shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of ninety (90) days from the submission deadline.

### **C. Accuracy and Completeness**

The Proposal must set forth accurate and complete information as required in this RFP. Unclear, incomplete, and/or inaccurate documentation may not be considered. Falsification of any information may result in disqualification.

If the Developer knowingly and willfully submits false performance or other data, the City reserves the right to reject that Proposal. If it is determined that a contract was awarded as a result of false performance or other data submitted in response to this RFP, the City reserves the right to terminate the contract.

Unnecessarily elaborate or lengthy Proposals or other presentations beyond those needed to give a sufficient, clear response to all the RFP requirements are not desired.

### **D. Withdrawal of Proposals**

Proposals may be withdrawn by written request of the authorized signatory on the Developer's letterhead at any time prior to the submission deadline.

### **E. General City Reservations**

The City reserves the right to extend the submission deadline should this be in the interest of the City. Developers have the right to revise their Proposals in the event that the deadline is extended.

The City reserves the right to withdraw this RFP at any time without prior notice. The City makes no representation that any contract will be awarded to any Developer responding to the RFP. The City reserves the right to reject any or all submissions.

If an inadequate number of Proposals is received or the Proposals received are deemed non-responsive, not qualified or not cost effective, the City may at its sole discretion reissue the RFP or execute a sole-source contract with a Developer.

The City shall review and rate submitted Proposals. The Developer may not make any changes or additions after the deadline for receipt of Proposals. The City reserves the right to request additional information or documentation, as it deems necessary.

The City reserves the right to verify all information in the Proposal. If the information cannot be verified, and if the errors are not willful, the City reserves the right to reduce the rating points awarded.

The City reserves the right to require a pre-award interview and/or site inspection.

The City reserves the right to waive minor defects in the Proposal in accordance with the City Charter.

If the selection of the Developer is based in part on the qualifications of specific key individuals named in the Proposal, the City must approve in advance any changes in the key individuals or the percentage of time they spend on the project. The City reserves the right to have the Developer replace any project personnel.

## **F. Contract Negotiations**

The Developer approved for the leasehold interest shall be required to negotiate a contract with the City. The best terms and conditions originally offered in the Proposal shall bind the negotiations. The City reserves the right to make a contract award contingent upon the satisfactory completion by the Developer of certain special conditions. The contract offer of the City may contain additional terms or terms different from those set forth herein.

As part of the negotiation process, the City reserves the right to:

Fund all or portions of a Developer's Proposal and/or require that one Developer collaborate with another for the provision of specific services, either prior to execution of an agreement or at any point during the life of the agreement;

Use other sources of funds to fund all or portions of a Developer's Proposal; and  
Elect to contract directly with one or more of any identified collaborators; and/or require all collaborators identified in the Proposal to become co-signatories to any contract with the City.

## **G. Standing of Developer**

Regardless of the merits of the Proposal submitted, a Developer may not be recommended if it has a history of contract non-compliance with the City or any other funding source, poor past or current contract performance with the City or any other

funding source, or current disputed or disallowed costs with the City or any other funding source.

Developers/Organizations that have been sanctioned because of non-compliance with Single Audit Act requirements for managing grant funds will be eligible to apply; however, they will not be eligible to receive any funding, if awarded under this RFP process, until this sanction is removed.

The City will enter into an agreement only with entities that are in good standing with the California Secretary of State and the City of Los Angeles.

#### **H. Proprietary Interests of the City**

The City reserves the right to retain all submitted Proposals which shall then become the property of the City and a matter of public record. Any department or agency of the City has the right to use any or all ideas presented in the Proposal without any change or limitation. Selection or rejection of a Proposal does not affect these rights. All Proposals will be considered public documents, subject to review and inspection by the public at the City's discretion, in accordance with the Public Records Act.

Developers must identify all copyrighted material, trade secrets or other proprietary information claimed to be exempt from disclosure under the California Public Records Act (California Government Code Sections 6250 et seq.) In the event such an exemption is claimed, the Proposal must state: "(Name of Developer) shall indemnify the City and hold it and its officers, employees and agents harmless from any claim or liability and defend any action brought against the City for its refusal to disclose copyrighted material, trade secrets or other proprietary information to any person making a request thereof." Failure to include such a statement shall constitute a waiver of the Developer's right to exemption from disclosure.

#### **I. Discount Terms**

Proposers agree to offer the City any discount terms that are offered to its best customers for the goods and services to be provided herein, and apply such discount to payments made under this agreement, which meet the discount terms.

#### **J. Contractor Responsibility Ordinance**

Every Request for Proposal, Request for Bid, Request for Qualifications or other procurement process is subject to the provisions of the Los Angeles Administrative Code, unless exempt pursuant to the provisions of the Code.

All Developers/Bidders must complete and return, with their response, the responsibility questionnaire included in this RFP (Form D). Failure to return the completed questionnaire may result in the Developer/Bidder being deemed non-responsive.

If a contract is awarded pursuant to this Proposal, the Developer must update responses to the questionnaire, within thirty calendar days, after any changes to the responses previously provided if such change would affect Developer's fitness and ability to continue performing the contract.

By executing a contract with the City, the Developer pledges, under penalty of perjury, to comply with all applicable federal, state and local laws in performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws which affect employees. Further, each contractor must: (1) notify the awarding authority within thirty calendar days after receiving notification that any governmental agency has initiated an investigation which may result in a finding that the contractor is not in compliance with the Administrative Code; and (2) notify the awarding authority within thirty calendar days of all findings by a government agency or court of competent jurisdiction that the contractor has violated the Code.

#### **K. Equal Benefits Ordinance**

Developers are advised that any contract awarded pursuant to this Proposal shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO). Developers shall refer to Form C for further information regarding the requirements of the Ordinance.

All Developers shall complete and return, with their Proposal, the Equal Benefits Ordinance Compliance Form (three (3) pages) contained in Form C. The Proposal for Reasonable Measures Determination (one (1) page) and the Proposal for Provisional Compliance (two (2) pages) have been included in Form C but should be submitted only if applicable. Unless otherwise specified in this procurement package, Developers do not need to submit supporting documentation with their Proposals. However, supporting documentation verifying that the benefits are provided equally shall be required of the Developer that is selected for award of a contract.

The EBO forms included with this RFP are as follows:

- EBO Summary: Questions and Answers (4 pages)
- Instruction for Completing EBO forms (1 page)
- EBO Compliance Form (3 pages)
- Application for Reasonable Measures Determination (1 page)
- Application I for Provisional Compliance (2 pages)

#### **L. Living Wage Ordinance/ Service Contractor Worker Retention Ordinance**

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure or receipt in excess of \$25,000 and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of Los Angeles Administrative Code Sections 10.37 et seq., Living Wage Ordinance (LWO) and 10.36 et seq., Service Contractor Worker Retention Ordinance

(SCWRO). Developers shall refer to Form K, “Living Wage Ordinance and Service Contractor Worker Retention Ordinance” for further information regarding the requirements of the Ordinances.

Developers who believe that they meet the qualifications for one of the exemptions described in the LWO List of Statutory Exemptions shall apply for exemption from the Ordinance by submitting with their Proposal the Contractor Application for Non-Coverage or Exemption. The List of Statutory Exemptions and the Application for Non-Coverage or Exemption are included in the Form L.

The forms included with this RFP are the LWO List of Statutory Exemptions and the LWO Application for Non-coverage or Exemption.

**M. Disclosure Ordinances Affidavit** (Slavery Disclosure Ordinance, Disclosure of Border Wall Contracting Ordinance, and Disclosure of Contracts and Sponsorship of the National Rifle Association)

Unless otherwise exempt by the provisions of the Slavery Disclosure Ordinance (SDO), Disclosure of Border Wall Contracting Ordinance (DBWCO), and Disclosure of Contracts and Sponsorship of the National Rifle Association (NRA Disclosure Ordinance), any contract awarded under this RFP will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code, the DBWCO, Section 10.50 of the Los Angeles Administrative Code, and the NRA Disclosure Ordinance, Section 10.52 of the Los Angeles Administrative Code.

#### **N. Americans with Disabilities Act**

Any contract awarded pursuant to this RFP shall be subject to the following:

In implementing this Agreement, Contractor represents and certifies that it will:

A. Comply with the Americans with Disabilities Act, as amended, 42 U.S.C. Section 12101 et seq., the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 701 et seq., the Fair Housing Act, and its implementing regulations and any subsequent amendments; and California Government Code Section 11135.

B. Not discriminate in the provision of its programs, services or activities on the basis of disability or on the basis of a person’s relationship to, or association with, a person who has a disability.

C. Provide reasonable accommodation upon request to ensure equal access to all of its programs, services and activities.

Contractor represents and certifies that any construction for housing performed with funds provided through this Agreement will be done in accordance with the Uniform Federal Accessibility Standards (UFAS), 24 CFR, Part 40.



Contractor represents and certifies that its buildings, and facilities used to provide services in accordance with this Agreement, are in compliance with the federal and state standards for accessibility as set forth in the 2010 ADA Standards, California Title 24, Chapter 11, or other applicable federal and state law.

Contractor understands that the City is relying upon these certifications and representations as a condition to funding this Agreement.

Contractor will require its subcontractors, if any, to include this language in any subcontract.

#### **O. Child Support Assignment Orders**

Any contract awarded pursuant to this RFP shall be subject to the following:

This Contract is subject to Section 10.10 of the Los Angeles Administrative Code, Child Support Assignment Orders Ordinance. Pursuant to this Ordinance, Developer/Consultant certifies that it will (1) fully comply with all State and Federal employment reporting requirements applicable to Child Support Assignment Orders; (2) that the principal owner(s) of Developer/Consultant are in compliance with any Wage and Earnings Assignment Orders and Notices of Assignment applicable to them personally; (3) fully comply with all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment in accordance with California Family Code Section 5230 et seq.; and (4) maintain such compliance throughout the term of this Contract. Pursuant to Section 10.10.b of the Los Angeles Administrative Code, failure of Developer/Consultant to comply with all applicable reporting requirements or to implement lawfully served Wage and Earnings Assignment Orders and Notices of Assignment or the failure of any principal owner(s) of Developer/Consultant to comply with any Wage and Earnings Assignment Orders and Notices of Assignment applicable to them personally shall constitute a default by the Developer/Consultant under the terms of this Contract, subjecting this Contract to termination where such failure shall continue for more than ninety (90) days after notice of such failure to Developer/Consultant by City. Any subcontract entered into by the Developer/Consultant relating to this Contract, to the extent allowed hereunder, shall be subject to the provisions of this paragraph and shall incorporate the provisions of the Child Support Assignment Orders Ordinance. Failure of the Developer/Consultant to obtain compliance of its subcontractors shall constitute a default by the Developer/Consultant under the terms of this contract, subjecting this Contract to termination where such failure shall continue for more than ninety (90) days after notice of such failure to Developer/Consultant by the City.

Developer/Consultant shall comply with the Child Support Compliance Act of 1998 of the State of California Employment Development Department. Developer/Consultant assures that to the best of its knowledge it is fully complying with the earnings assignment orders of all employees, and is providing the names of all new employees to the New Hire

Registry maintained by the Employment Development Department as set forth in subdivision (1) of the Public Contract Code 7110. (Form Q).

#### **P. Prevailing Wage and Federal Davis Bacon Wages**

All selected Developers must abide by applicable labor wages including the Federal Davis-Bacon and/or California's Prevailing Wage and Equal Opportunity standards.

Developers who have a track record of trying to avoid the payment of Davis-Bacon or State Prevailing wages, or who have been referred to the Department of Labor, the Department of Housing and Urban Development, California Labor Commission or any other enforcement agency will be disqualified. Additionally, any project which does not submit construction costs at the applicable Davis-Bacon/Prevailing wage level will also be disqualified. Developers must submit Form O: Form Letter Regarding Davis-Bacon, which certifies that the Developer will comply with all applicable Davis-Bacon and/or Prevailing Wage Requirements.

#### **Q. Equal Opportunity/Affirmative Action Requirements**

It is the policy of HCIDLA and City of Los Angeles to provide minority, women and other business enterprises (M/W/OBE's) with the opportunity to compete for and participate in the performance of HCIDLA contracts. Any firm who is awarded a contract will be required to make its best efforts to recruit M/W/OBE's and enhance employment opportunities for minorities, women and others for subcontract opportunities created by any contract. If respondents are successful in obtaining a contract, they will be required to make their best efforts to recruit minority business enterprises or women business enterprises for subcontract opportunities created by any contract(s).

All Proposers shall submit proof of Business Inclusive outreach, documentation of registration and account activation in the Los Angeles Business Assistance Virtual Network (LABAVN) (Website: [www.labavn.org](http://www.labavn.org)) and perform outreach online 15 days prior to contract execution date; if applicable, identify the organization's certification in any of the following categories: Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Other Business Enterprise (OBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE) and Disabled Veteran Business Enterprise (DVBE); and perform OUTREACH for sub-contracting opportunities and comply with the City's Business Inclusion Outreach program.

In accordance with HCIDLA's Policies and Goals for Equal Opportunity and Affirmative Action, all respondents (the prime or lead Developer and each proposed subcontractor) are required to complete and upload, the City of Los Angeles Affirmative Action Plan (four (4) pages) available on the City of Los Angeles' Business Assistance Virtual Network (LABAVN) residing at [www.labavn.org](http://www.labavn.org) at the time it registers on LABAVN, but no later than the time when an individual Proposal is submitted. Proposers opting to submit their own Affirmative Action Plan may do so by uploading their Affirmative Action Plan onto the

City's LABAVN. Proposers with current OCC approval for their Affirmative Action Plan do not need to re-submit unless the approval is 30 days or less from expiration.

Furthermore, subject subcontractors shall be required to submit the Non-Discrimination/Equal Employment Practices Certification and Affirmative Action Plan to the successful Bidder/Proposer prior to commencing work on the contract. The subcontractors' Non-Discrimination/Equal Employment Practices Certification(s) and Affirmative Action Plan(s) shall be retained by the successful Proposer and shall be made available to the Office of Contract Compliance upon request.

Both the Non-Discrimination/Equal Employment Practices Certification and the City of Los Angeles Affirmative Action Plan Affidavit shall be effective for a period of twelve (12) months from the date it is first uploaded onto the City's LABAVN.

Proposers seeking additional information regarding the requirements of the City's Non-Discrimination Clause, Equal Employment Practices and Affirmative Action Program may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

## **R. Development Policies and Requirements**

### ***Labor Requirements for Development***

This RFP includes the information on laws that affect development projects. This section highlights requirements related to prevailing wage, which would apply to a project that could develop as a result of this RFP. All Developers considering submittal to this RFP shall also carefully review HCIDLA specific policies and requirements in the Exhibits for consideration and inclusion in your development and financial assumptions.

### ***Local Hiring Program Requirements***

Selected Developers must comply with federal Section 3 and the Local Hire Program Requirements (Rev. 7/9/08). Contractors and others engaged in construction and rehabilitation are encouraged to hire and train the maximum feasible number of employees from the community. In addition, the City of Los Angeles want to actively encourage local hire of permanent employees in commercial projects and residential. Local Hire Goals for construction and permanent jobs are typically negotiated on a project-by-project basis.

### ***Sustainable Development***

Development Teams are encouraged to comply with the City's Sustainable Building Initiative. This may include use of active and passive energy conservation techniques, use of recycled materials and "green" materials, and use of water conservation techniques including xeriscaping and other conservation methods as may be recommended by relevant agencies. Provision of storage areas for recycling, solid waste management, and incorporation of design features allowing flexibility to use reclaimed gray water are encouraged.

## **S. Supplemental Information Related to the RFP Process**

### ***Contact During RFP***

During the period immediately following the deadline to submit Proposals and continuing until a recommendation has been submitted to the City Council, respondents are not to contact HCIDLA staff and the City Council on this specific matter. Any such contact may result in the immediate disqualification of any respondent from consideration. All questions or request for clarification or additional information shall be submitted to [hcidla.cratransition@lacity.org](mailto:hcidla.cratransition@lacity.org).

### ***Erasures***

The Proposal submitted must not contain erasures, interlineations, or other corrections unless each correction is authenticated by signing in the margin, immediately opposite the correction, by the person signing the Proposal.

### ***Amendments to the RFP***

Any amendments to this RFP shall be effected in writing and issued by HCIDLA and uploaded to LABAVN. If this RFP is amended, then all terms and conditions which are not modified remain unchanged.

All interested proposers shall acknowledge receipt of any amendment to this solicitation by including a statement in its Proposal that it has received the amendment (the amendment number, if any, should be identified).

### ***Restriction on Disclosure of Data***

Prospective firms who include data or information in their Proposals that they do not want disclose to the public for any purpose or used by HCIDLA except for evaluation purposes, shall:

Mark the title page with the following legend: "This Proposal includes data that shall not be disclosed outside HCIDLA and shall not be duplicated, used or disclosed – in whole or part – for any purpose other than to evaluate this Proposal, subject to the California Public Record Act. If, however, a contract is awarded to this prospective firm as a result of, or in connection with, the submission of this data, HCIDLA shall have the right to duplicate, use or disclose the data to the extent provided in the resulting contract. This restriction does not limit HCIDLA right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets (insert numbers or other identification of sheets)"

Mark each sheet of data Developer wishes to restrict with the following legend: "CONFIDENTIAL per restriction on the title page of this Proposal."

### ***Proposal Preparation Expenses***

HCIDLA will not in any event be liable for any pre-contractual expenses incurred by the prospective firm. The prospective firm shall not include any such expenses as a part of the price proposed in response to this RFP. Pre-contractual expenses are defined as

expenses incurred by the prospective firm in (1) preparing the Proposal in response to this RFP; (2) submitting and delivering the Proposal to HCIDLA; (3) discussing and/or negotiating with HCIDLA on any matter related to this RFP; or (4) any other expenses incurred by the prospective offer or prior to the date of award, if any, of a proposed contract.

### ***Modification or Withdrawal of Developer's Proposal***

Proposal may be modified after its submission by written notice to HCIDLA of withdrawal and resubmission before the date and time specified for receipt of Proposals. Modifications will not be considered if offered in any other manner.

Proposals may be withdrawn by submitting a written request to HCIDLA at any time. The firm may thereafter submit a new Proposal before the Proposal submission date. Proposals may not be re-submitted after the Proposal submission date.

### ***Misunderstandings***

The RFP documents will be clarified by HCIDLA upon written request from the proposing firm. HCIDLA decision shall be final in any matter of interpretation of the documents.

### ***Late Proposals***

It is the responsibility of each proposer responding to this solicitation to ensure that its Proposal is received by HCIDLA prior to the time specified in this RFP. Any Proposal received by HCIDLA after the exact time specified for receipt is "late" and shall be date and time stamped and not considered for award, unless it is received before award is made to another entity and it:

§ Was sent by registered or certified mail and postmarked no later than the 5th calendar day before the date specified for receipt of Proposals; or

§ Was sent by mail or messenger, and it is determined by the RFP Manager that the late receipt was due solely to mishandling by HCIDLA after receipt by HCIDLA; or

§ Is the only Proposal received.

### ***Right to Reject all Proposals***

This RFP is not a contract offer, a request for technical services or an agreement to construct any project that may be proposed or otherwise submitted and does not commit HCIDLA to enter into any exclusive negotiating agreement, disposition and development agreement, ground lease, or any other agreement, or to accept any part of any Proposal, including, without limitation, a selected Proposal, or to pay any costs incurred in submission of any Proposal. Should this process result in an Exclusive Negotiating Agreement, the execution of such agreement does not constitute a contract, agreement or promise that such agreement will lead to a Disposition and Development Agreement or Ground Lease, or that HCIDLA will agree to build or have built any proposed project.

## **D. Additional Documents Required**

### **A. Documents Required with this Proposal**

**1. Secretary of State Documentation**

All Developers are required to submit one copy of their Articles of Incorporation, partnership, or other business organizational documents (as appropriate) filed with the Secretary of the State. Organizations must be in good standing and authorized to do business in California. Include in Section A.

**2. Workforce Information**

Developers shall submit with their Proposal a statement indicating their headquarters address, as well as the percentage of their workforce residing in the City of Los Angeles (Form A).

**3. Collaborator Agreements**

Proposals shall include completed forms from each organization intending to formally collaborate with the proposers (Form B).

**4. Equal Benefits Ordinance**

The Developer shall submit the applicable Equal Benefits Ordinance Compliance Form(s) (Form C). Form must also be completed on LABAVN ([www.labavn.org](http://www.labavn.org)).

**5. Contractor Responsibility Ordinance (CRO) Questionnaire**

All Developers shall submit a completed CRO Questionnaire signed under penalty of perjury (Form D) with their Proposal.

**6. Municipal Lobbying Ordinance**

The Proposer shall submit the applicable Municipal Lobbying Ordinance Compliance Form – Bidder Certification CEC Form 50 (Form E).

**7. Municipal Campaign Finance Ordinance CEC Form 55**

Bidders must submit a CEC Form 55 to the awarding authority at the time the response is submitted. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or [ethics.lacity.org](http://ethics.lacity.org). (Form F)

**8. Disclosure Ordinances Affidavit**

The Developer shall submit the applicable Disclosure Ordinances Affidavit Forms (Form G). Form must also be completed on LABAVN ([www.labavn.org](http://www.labavn.org)).

**9. Subcontractors**

If a Developer will have subcontractors in the project, a list of the subcontractors must also be submitted with the Proposal (Form I).

10. Corporate Documents

All Developers who are organized as a corporation or a limited liability company are required to submit a Secretary of State Corporate Number, a copy of its By-Laws, a current list of its Board of Directors, and a Resolution of Executorial Authority with a Signature Specimen.

**B. Documents Required Once Awarded**

1. Proof of IRS Number (W-9)

All Developers are required to complete and submit Proof of IRS Number (W-9) Form.

2. City Business License Number

All Developers are required to submit one copy of their current City of Los Angeles Business License, Tax Registration Certificate or Vendor Registration Number.

To obtain a Business Tax Registration Certificate (BTRC) call the City Clerk's Office at (213) 473-5901 and pay the respective business taxes. The address is as follows: City of Los Angeles, City Hall, Room 101, Office of Finance, Tax and Permit Division, 201 North Main Street, Los Angeles, CA 90012.

3. Insurance Certificates

Developers may be required to maintain insurance at a level to be determined by the City's Risk Manager, with the City named as an additional insured. Developers who do not have the required insurance should include the cost of insurance in their bid. Developers will be required to provide insurance at the time of contract execution.

4. Iran Contracting Act of 2010 Compliance Affidavit

In accordance with California Public Contract Code Sections 2200-2208, all bidders submitting Proposals for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at \$1,000,000 or more are required to complete, sign, and submit the "Iran Contracting Act of 2010 Compliance Affidavit" (Form J).

5. Living Wage Ordinance

The Developer shall submit the applicable Living Wage Ordinance Compliance Form(s) (Form K & Form L).

6. Child Care Policy – not required of sole proprietors

It is the policy of the City of Los Angeles to encourage businesses to adopt childcare policies and practices. Consistent with this policy, Developers shall complete and submit the "Child Care Policy Declaration Statement" with their contract (Form M).

7. Davis-Bacon and State Prevailing Wage Requirements

Developers must submit Form O: Form Letter Regarding Davis-Bacon, which certifies that the Developer will comply with all applicable Davis-Bacon and/or Prevailing Wage Requirements.

8. Business Inclusion Program / MBE/WBE/OBE Outreach Forms

The Developer shall comply with the City's Business Inclusion Program requirements, identify sub-contracting opportunities and outreach to Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Small Business Enterprises (SBE), Emerging Business Enterprises (EBE), Disabled Veteran Business Enterprises (DVBE), and Other Business Enterprises (OBE) sub-consultants. Developers with sub-contractors must perform outreach online 15 days prior to ENA execution contract signing date. Requirements must be completed on the Los Angeles Business Assistance Virtual Network (LABAVN), [www.labavn.org](http://www.labavn.org). (Form P)

9. Child Support Obligations

Developers shall comply with the Child Support Assignments Orders Ordinance. Refer to Exhibit E, Section O and Form Q for more detail.

10. First Source Hiring Ordinance

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which is in excess of \$25,000 and a contract term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO). Bidders/Proposers shall refer to Form R, "First Source Hiring Ordinance" for further information regarding the requirements of the Ordinance.

11. Certifications

Developers shall provide copies of the following documents to the City:

- a) Certification Regarding Ineligibility, Suspension and Debarment as required by Executive Order 12549 (Form S).
- b) Certification and Disclosure Regarding Lobbying (not required for contracts under \$100,000). Developer shall also file a Disclosure Form at the end of each calendar quarter during which any event requiring disclosure, or which materially affects the accuracy of the information contained in any previously filed Disclosure Form, occurs (Form T).
- c) Certificate Regarding Drug-Free Workplace Act Requirements, if applicable (Form U).
- d) Applicant/Borrower Certification Statement for the Affordable Housing Trust Fund Program (Form V).



## **E. Contract Compliance Documents**

The following compliance documents will be required after final Council approval of any Prop HHH Housing Challenge Program award and before the execution of the funding agreement with the City of Los Angeles.

1. Loan Agreement and recorded security instruments, as follows:
  - i. Promissory note
  - ii. Deed of Trust; and
  - iii. Regulatory Agreement/affordability covenant
2. Assignment of Architect's Contract and Plans and copy of Architect's contract.
3. Standard provisions of City contracts, including insurance requirements. See Required Insurance and Minimum Limits [Form Gen.146 (Rev 3/09)] for a list of likely types of insurance that will be required for the funding agreement.
4. Required permits (land use, building and safety permits and approvals).

## V. Proposal Guidelines and Proposal Package Requirements

All Proposers must submit a written proposal for this RFP that responds to each of the following elements in these Proposal Guidelines. These Proposal Guidelines outline proposal formatting requirements, the documents and information required for a proposal to have met minimum threshold criteria, and the information needed for a panel of experts to score the proposals based on the evaluation criteria in this RFP. All items listed in these guidelines need to be addressed in order for the proposal to be deemed complete. The only optional responses are labeled as “optional.” **Proposals that do not include required narratives and documentation or fail to meet other stated guidelines will receive up to negative 5 points in their final evaluation score.**

### A. Formatting Requirements

1. All submissions must include one (1) original, signed proposal, bound in a three-ring binder; and a PDF version on a USB drive or equivalent device.
2. Narrative responses must not exceed the stated page limits specified below (allowed mandatory and optional attachments do not count against page limits).
3. Supporting documentation may only be added as attachments when prompted with the phrases “**mandatory attachment(s)**” or “**optional attachment(s)**” in the Proposal Guidelines below. Note, all optional attachments will assist the evaluation panel in scoring the RFP’s evaluation criteria and are encouraged to be submitted, however, no points will be awarded. All supporting documentation must clearly specify in the title to which proposal guideline it corresponds. Each attachment should be easily identified and ordered as indicated on the Checklist of Required Documents (see Attachment A).
4. Narrative responses must be formatted as follows:
  - a. Type must be in a standard font no smaller than 12 point; and
  - b. Margins must be a minimum of 1” wide on each side of the page.
5. Number each page of the proposal (including the attachments) in continuous sequence at the bottom of the page to indicate each page’s number and the total number of pages (“page \_\_\_\_ of \_\_\_\_”). Use a heading for each narrative that clearly indicates the subject of the response.

### B. Proposal Sections and Sequence of Exhibits

1. **Proposal Overview** (max. 2 pages)
  - a. **Proposal Title:** Provide a single statement that describes your overall proposal, including the address or addresses.
  - b. **Development Team Partners:** Provide the names and logos of all organizations in your team that are applying for this RFP.
  - c. **Executive Summary:** Provide a summary of the most powerful aspects of your proposal and describe how your proposal responds to the urgency of the City’s homelessness crisis. The City may use this summary to describe your proposal publicly, even if your proposal was not selected.

- d. **Relationship to Regular Prop HHH Program:** Describe why your project/proposal is ineligible or unfeasible for funding under the regular Prop HHH Call for Projects and its current governing Prop HHH guidelines (located at <https://hcidla.lacity.org/prop-hhh>). Specific sections and language in the guidelines must be cited.
2. **Checklist of Required Documents:** Attachment A of this RFP must be completed with page numbers for each included item. All items on the Checklist of Required Documents that are applicable to the proposer's project must be included in the proposal in the order indicated on the checklist. The beginning page number for each item must be indicated on the checklist. Items that are not applicable to the proposer's project should be marked as such (e.g. "N/A") in the space for the page number.
3. **Organizational Structure and Capacity** (max. 10 pages): This section will be used to determine if your proposal meets the threshold eligibility criteria described in this RFP, as well as the scores for the "Organizational Structure and Capacity" evaluation criterion.
- a. **Threshold Review:** Provide a written summary of why your organization passes the eligibility thresholds described in Section II. A., "Proposal Guidelines, Eligibility Requirements for Proposers." Be sure to include the official names and descriptions of each organization included in the proposal, especially the lead developer, service provider, property manager, architectural firm (if applicable), pre-fab manufacturer (if applicable), or others. In the description of the organizations, include their a) mission, b) legal status, and c) commitment and experience in solving the homeless crisis in Los Angeles.
- As **mandatory attachments** include:
- An executed Memorandum of Understanding between all organizations in your team that are participating in this RFP, detailing the roles and responsibilities of each party.
  - The name, title, short biography, address, telephone, email address and resumes for key members of the proposed team.
  - One copy of the Articles of Incorporation, partnership, or other business organizational documents (as appropriate) filed with the California Secretary of the State for each entity within the ownership structure, other than the limited partner, if any.
  - Provide Secretary of State Corporate Number, a copy of your organization's by-laws and a current list of the Board of Directors.
- b. **Additional Material for Evaluation Criterion:** The proposed development team will be evaluated on the organization's financial capacity and experience of the individual team members including the Developer, the Property Manager, and the Service Provider. The following must be provided in the narrative:
- A description on the past experience working together for all team members.

- Describe your organization's prior success, achievements, and/or specific experience indicating you are well-positioned to implement your proposed solution. Emphasize credibility of your team members and any specific front-line experience, specifically as it relates to addressing homelessness in Los Angeles.
- Describe one example of a project in which the time from conception to completion was shortened by strategic decisions on the part of the developer, such as financing or entitlement, and describe that strategy and the result.
- If your development strategy involves pre-fab/modular construction, describe the proposed manufacturer's capacity to carry out the proposed projects.
- Describe each of your organizations' financial capacity to carry out this proposal.
- Describe your organization's overall approach to community outreach and inclusion. Select one example of a community outreach strategy in a previous project and how it affected the project.
- A description of your organization's history in building, operating, and providing services to affordable housing developments in the City of Los Angeles. Note, the following experience is preferred:
  - A lead developer or managing general partner that has been the lead project developer of at least two multifamily and/or affordable housing projects placed in service for a period of more than one year within the last three years.
- Other information you deem necessary.

The following additional documentation may be included as ***optional attachments***:

- At least one reference (provided as a letter from the organization that includes the name, title, email and phone number of the reference) in the following categories:
  - Financial: Conventional Lending
  - Financial: Grants
  - Financial and Regulatory: City, County, and/or State
  - Service Provision: County or U.S. Veterans Administration
  - Community Partners (including elected officials)
- Document stable income and net income over the most recent three-year period of each entity included in your application; provide detailed explanations of any interruptions in that stability; provide any explanations of any extraordinary expenses; and include a summary schedule that presents side-by-side columns of the three years of audited income statements for comparative purposes.
- Document stable and adequate cash and cash equivalent assets as equity resources and consistent avoidance of an over-leveraged financial position; include a summary schedule that presents three years

of balance sheets in side-by-side columns for comparative purposes, for each entity included in your application.

- Include the documentation, explanations, summary schedules and audited financial statements for the last three (3) audits of the participating organizations in your proposal.

**4. Development & Financing Strategy** (max. 11 pages): This section allows you to showcase your development and financing plan, tactics and other technical aspects to create supportive housing. The information in this section will be used to determine if your proposal meets all the threshold eligibility criteria described in this RFP. The information will also be used by the evaluation panel to determine your proposal's scores for most of the RFP's evaluation criteria.

a. **Type of Proposal & Location of Project:** Clearly specify which type of proposal you are submitting (you may only choose one):

- **Subordinate Loan:** If you are applying for an individual loan, structured similarly as the current Prop HHH Loan Program. Also state the desired Prop HHH funding amount requested and number of PSH units this Prop HHH subsidy would support, or
- **Prop HHH Reservation:** If you are applying for a reservation of Prop HHH funds to pursue multiple projects and/or alternative financing strategies other than the current Prop HHH Loan Program, state the desired Prop HHH reservation requested (not more than \$40 million) and the minimum Prop HHH reservation needed to make your development strategy viable (not less than \$500,000), for which your team would be willing to accept if sufficient funds are not available for the highest-scoring applicants. Also state the number of PSH units this Prop HHH subsidy would support.

b. **Purpose Statement of Your Strategy:** Set the stage and describe the specific need you aim to address. Include data to demonstrate this need, as well as information to describe your understanding of local conditions. While you may offer general context for the problem of homelessness, focus on any discrete issues your solution is specifically designed to overcome.

c. **Location and Approach to Site Control/Acquisition:** Describe the location and your strategies to achieve site control for your proposal.

- If you have site control for the parcel(s) on which your proposed development(s) is/are located, provide the address(es) of the proposed development site(s) in the City of Los Angeles and their associated Council District(s).
    - Include evidence as an **optional attachment** that you have site control of the proposed development site, such as:
      - Copy of a deed or lease,
      - Copy of a valid Exclusive Negotiating Agreement, or
      - Copy of a purchase or sale agreement.
- Note, that the owner, lessee, or purchaser shown on these documents must correspond with the lead developer in your application.

- If you do not have site control for the parcel(s) on which your proposed development(s) is/are located, provide a list of Council Districts that your development strategy is targeting.
  - Include as an ***optional attachment*** a licensed real estate broker's market analysis that demonstrates the feasibility of acquiring the targeted parcel types for future development.
- d. **Entitlement Plan:** Describe your approach and timeline for entitling and permitting the proposed project(s), which will inform the "Streamlined Permitting" evaluation criterion in the RFP.
 

As ***optional attachments***, provide the following:

  - Documentation from the Department of City Planning verifying the entitlement path you are claiming for specific target development sites in your application.
- e. **Budget & Financing Plan:** Use this section to provide an in-depth description of your financing plan and budget for the requested Prop HHH subsidy. Use language that is consistent across your application, so that any cost categories or line-item descriptions are referenced elsewhere. Be sure to include the following:
  - Budget for the proposed uses of the requested Prop HHH subsidy, including a description of activities funded with Prop HHH.
  - Describe the anticipated Total Development Cost, unit mix, proposed "Sources and Uses" for construction and permanent financing.
  - Sample pro-forma(s) for the proposed project(s) with anticipated revenue from the proposed unit mix, debt service, operating expenses, etc.
  - Description of how you plan to fund ongoing operations for the duration of the 55-year affordability restriction. For instance, will the project take advantage of long-term, project-based rental assistance contracts (ex. project-based Section 8 or the County's Flexible Housing Subsidy Pool, etc.)?
  - Indicate whether or not your project's development costs include prevailing wage and/or the assumption of entering into a Project Labor Agreement.
  - If you are applying for a Prop HHH Reservation, provide details of the proposed financing terms for the Prop HHH subsidy and specify how those terms differ from the existing Prop HHH Subordinate Loan program.
  - Show your team's overall ability to access capital appropriate to the size and type of developments that are proposed.
  - Other information you deem necessary.

As ***optional attachments***, provide the following:

  - Agreements from other public entities to project-base rental assistance on proposed projects.
  - Letters of commitment from other public and/or private funding sources.
- f. **Completion Schedule & Metrics:** Identify the goals and objectives of your development and how you intend to track results and measure overall

impact. Also include a timeline of all critical milestones needed to meet the overall expenditure deadlines described in the “Terms of Funding Commitment” in this RFP and the construction milestones identified in your application. Be sure to include the following in your timeline:

- Financing, including timeline of proposed Prop HHH expenditures
  - Entitlements and Permits
  - Design/architectural renderings
  - Bid Process and Contractor Selection
  - Construction (offsite and onsite, if applicable)
  - Leasing
  - Stabilized Occupancy
  - Other information you deem necessary.
- g. **Risk Assessment:** Identify any specific operational or tactical hurdles, principal risks or challenges to the short- and long-term success of your proposal and your plans to address them.

## 5. Population and Structure (max 6 pages)

- a. **Target Population and Service Plan for PSH Units:** Use this section to demonstrate an understanding of who you are serving and what are their unique needs. Describe the target homeless populations to be served in your PSH units and the aspects of your services plan that are responsive to these needs. Be sure to include the following information:
- Details of the services to be provided to the target population.
  - Frequency of services.
  - How you intend to monitor clients’ participation in services and measurement of clients’ successful completion of services.
  - Evidence of planned utilization of the coordinated entry system (CES) for tenant selection.
  - Number of units targeted to the following populations:
    - Anyone experiencing homelessness
    - Chronically homeless
    - Disabled (physical, developmental)
    - Families with children and youth (under age 18)
    - LGBTQ
    - Mental Health Challenges
    - Transition-aged Youth (age 18-25)
    - Single Adults (age 26-54)
    - Older adults (age 55 and older)
    - Substance Use Disorder
    - Veterans
    - Women
    - Other, please explain
  - Other information you deem necessary.

As **optional attachments**, provide the following:

- Letters of commitment and/or contractual agreements with service provider agencies, showing sufficient funding for ongoing operation.

- “Sources and uses” services budget that clearly states all anticipated income and expenses associated with the services that are being proposed for the project.
  - **b. Structure Type and Design Considerations:** All housing typologies are eligible, including shared housing, provided the Proposers can demonstrate to the City’s satisfaction their ability to encourage long-term, sustainable, permanent supportive environments for persons experiencing homelessness.
- b. Describe the type of housing you are planning to build with Prop HHH funding. Be sure to include the following:
- Description of building typology:
    - Single-family structure(s) (including ADUs)
    - 2-4 unit structure(s)
    - Smaller multifamily structure(s) (4-20 units)
    - Medium multifamily structure(s) (20 – 49 units)
    - Large multifamily structure(s) (>50 units)
    - Other, please describe
  - Is this project new construction, acquisition and/or rehabilitation, adaptive reuse, other? Describe how your proposal meets the “Displacement and Creation of New Units” criteria described in Section III. B, Program/Project Requirements.
  - Number of individually financed projects, and the number of parcels and buildings associated with those projects.
  - Description of units per project, including:
    - Total units
    - Number of manager units
    - Number of PSH units, by affordability levels
    - Number of affordable units, by affordability levels
    - Number of market-rate units
    - Other, please describe
  - Describe how your design intends to abide by all applicable ADA requirements stated in this RFP.
  - Description of square footage reserved on-site for the provision of services for PSH units and how this space is in alignment with the proposed service plan for the populations intended to be served.
  - Description of unit amenities: For instance, do all PSH units financed with Prop HHH have kitchen facilities, which shall minimally include a refrigerator, kitchen sink, stovetop, and storage cabinet and a full bathroom, including (at a minimum) lavatory, toilet, and shower?
  - Description of square footage reserved on-site for community amenities (ex. computer labs, open space, etc.).
  - Describe how your team plans to use architectural design to facilitate long-term, sustainable, permanent supportive environments for persons experiencing homelessness.



- Describe how your team plans to use architectural design to improve / expand upon best practices in supportive housing or create a compelling alternative that can be brought to scale if proven successful.
- Other information you deem necessary.

As **mandatory attachments**, provide the following (if applicable):

- If the proposed project/strategy entails (or will likely entail) relocation, a copy of your relocation consultant's agreement, and the consultant's resume/qualifications, must be provided.

As **optional attachments**, provide the following:

- Architectural renderings of the proposed project(s), including floor-plans, street views, etc.

- c. **Construction Plan:** Describe your approach and timeline for constructing the proposed project(s), which will inform the "Construction Timeline" evaluation criterion in the RFP. Also identify your planned construction partners and/or pre-fab manufacturers and describe your subcontractor bid process, if applicable. Finally, describe the durability of materials and construction techniques that you intend to employ.

As **optional attachments**, provide the following:

- Certification from CA Department of Housing and Community Development's Factory-Built Housing Program.
- Green building certifications.
- Any other certifications from the US Government, State of California or City of Los Angeles that demonstrate the durability and/or conformance of innovative construction techniques.
- Documentation/certification from the proposed factory that demonstrates the capacity to produce modular units in the time proposed in proposal submittals.

## 6. **Community Outreach** (max 2 pages):

For a full 5 points, the proposal should include the following:

- a. Identify all community stakeholders who will be the focus of the outreach.
- b. Describe the project outreach strategy including, but not limited to how stakeholders will be notified, a description of any planned radius mailings, and number of community meetings.
- c. Provides a list of outreach materials, such as flyers, mailings, presentations and websites.
- d. Other information you deem necessary.

As **optional attachments**, provide the following:

- Materials illustrating successful community outreach initiatives for previous developments managed by the development team.

## 7. **Concluding Statements** (max. 1 page):

- a. **Innovation:** Give a concluding summary of how your proposal will more quickly and cost effectively produce high-quality supportive housing for homeless individuals and/or families. Describe how your proposal differs from, improves upon, and/or bolsters existing methods/practices to build

housing for those experiencing homelessness in Los Angeles. Highlight any unique features of the housing you will develop, and any other information demonstrating creativity and innovation in your approach and projected solution.

- b. **Scalability:** If selected for funding with this RFP, give a concluding summary of how your solution is prepared to expand after completion. Describe plans to scale your solution as a model that can be applied or adapted to meet diverse needs of the region's diverse communities.
- c. **Other Considerations:** Describe any additional considerations or details that you would like the review panel to consider, or expand upon a previous point, as necessary.

## VI. Attachment A: Document Checklist

All applications should include the documents in the following checklist. *Italicized items are optional.*

- **Proposal Overview (Maximum 2 Pages)**
  - Narrative, per instructions in Proposal Guidelines
- ☐ Prop HHH Housing Challenge Threshold Checklist
- **Checklist of Required Documents (This Attachment)**

### Print and Include in Proposal Binder

- **Form A: Proposer Workforce Information and Collusion Affidavit**
- **Form B: Collaborator Agreements**
- **Form C: Equal Benefits Compliance (form must also be completed on LABAVN ([www.labavn.org](http://www.labavn.org)))**
- **Form D: Contractor Responsibility Questionnaire**
- **Form E: Bidder Certification CEC Form 50**
- **Form F: Prohibited Contributions (Bidders) CEC Form 55**
- **Form G: Disclosure Ordinances Affidavit (form must also be completed on LABAVN ([www.labavn.org](http://www.labavn.org)))**
- **Form I: List of Subcontractors**
- **Forms to Submitted Once Awarded**
  - ☐ **Form J: CA Iran Contracting Act of 2010 Affidavit**
  - ☐ **Form K: Living Wage Ordinance and Service Contractor Worker Retention**
  - ☐ **Form L: Living Wage Ordinance Exemption**
  - ☐ **Form M: Child Care Policy**
  - ☐ **Form O: Form Letter Regarding Davis-Bacon and State Prevailing Wage Requirements**
  - ☐ **Form P: Business Inclusion Program / MBE/WBE/OBE Outreach Forms**
  - ☐ **Form Q: Child Support Obligations**
  - ☐ **Form R: First Source Hiring Ordinance Affidavit (form must also be completed on LABAVN ([www.labavn.org](http://www.labavn.org)))**
  - ☐ **Form S: Certification Regarding Ineligibility, Suspension, and Debarment (Executive No. 12549)**
  - ☐ **Form T: Certification and Disclosure Regarding Lobbying**

- ☐ **Form U: Certificate of Drug Free Workplace**
- ☐ **Form V: Applicant/Borrower Certification Statement for Affordable Housing Trust Fund Program**
- **Organizational Structure and Capacity (Maximum 10 Pages)**
  - Narrative
  - MOU Between All Participants in the Proposed Team
  - Name, Title, Short Biography, Address, Telephone, Email Address and Resumes for Key Members of the Proposed Team
  - Copy of the Articles of Incorporation or Similar Business Organizational Documents for Each Member of the Proposed Team
  - Secretary of State Corporate Number
  - Copy of Your Organization's By-laws
  - Current List of the Board of Directors
  - *Reference Letter(s)*
  - *Documentation of Stable Income and Net Income*
  - *Documentation of Stable Liquid Assets and Manageable Debt Levels*
  - *Three Most Recent Audits of All Participants in the Proposed Team*
- **Development & Financing Strategy (Maximum 11 Pages)**
  - Narrative, per instructions in Proposal Guidelines
  - A copy of relocation consultant's agreement, and the consultant's resume/qualifications (if applicable)
  - *Architectural Renderings, Floor Plans, Street Views, etc.*
  - *Letters of Commitment from Service Providers*
  - *Sources and Uses for Service Budget*
  - *Evidence of Site Control*
  - *Licensed Real Estate Broker's Market Analysis*
  - *Documentation from the Department of City Planning Verifying Entitlement Plan*
  - *Certification from CA HCD's Factory-Built Housing Program*
  - *Green Building Certifications*
  - *Any Certificates from the US Government, CA Government, or City of Los Angeles Demonstrating the Durability or Conformance of Innovative Construction Methods*
  - *Other Documentation / Certification from Proposed Factory*
  - *Agreements from Other Public Entities to Project-Base Rental Assistance on Proposed Projects*
  - *Letters of Commitment from Other Funding Sources (Public and Private)*

- **Population and Structure (maximum 6 pages)**
  - ☐ Target Population and Service Plan for PSH Units
  - ☐ Structure Type and Design Considerations
  - ☐ Construction Plan
- **Community Outreach (maximum 2 pages)**
  - Narrative, per instructions in Proposal Guidelines
  - *Materials illustrating successful initiatives for previous developments*
- **Concluding Statements (maximum 1 page)**
  - Narrative, per instructions in Proposal Guidelines
- **Signed Understanding and Agreement and Adverse Findings Self-Certification (2 pages)**

# Exhibit B



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

August 22, 2019

AIDS Healthcare Foundation  
6255 W. Sunset Blvd., Floor 21  
Los Angeles, CA 90028

Attention: Michael Weinstein, President

**Re: HHH Housing Challenge Request for Proposals**

Dear Mr. Weinstein:

The Mayor's Office and the Los Angeles Housing + Community Investment Department (HCIDLA) have received your application submitted in response to the HHH Housing Challenge RFP. A total of 19 applications were received, with \$235.2 million in total funding requests.

As part of the RFP, HCIDLA, Mayor's Staff, and an expert panel of judges reviewed your application to determine its point score total. Scores were based on the following program priorities (with the corresponding scores for your application in each priority area):

Program Priority Area	Points Available	Points Scored
Development Strategy	15	10
Organizational Structure, Experience, and Capacity	15	5
Design Features	15	9
Financing Structure and Cost Efficiency	30	17
Streamlined Entitlement / Permitting Path	10	10
Construction Timeline and Quality	10	7
Community Engagement	5	5
TOTAL	100	63

The final score for your application has been calculated as **63**, which did not meet the minimum score requirement (75) to be considered for funding. Therefore, HCIDLA and the Mayor's Office have determined that a financial letter of commitment for your proposal will not be recommended to the HHH Citizens Oversight Committee on August 23, 2019.

For any questions, please contact me at 213-880-0912 or [Jennifer.kim@lacity.org](mailto:Jennifer.kim@lacity.org).

Sincerely,

*Jen Kim*

JEN KIM  
Program Director

# Exhibit C



August 27, 2019

**Via Email**

Los Angeles Housing + Community Investment Department  
RFP Appeal – Prop HHH Challenge  
1200 W. 7<sup>th</sup> St., 8<sup>th</sup> Floor  
Los Angeles, CA 90017  
Email: [hcidla.cratrtransition@lacity.org](mailto:hcidla.cratrtransition@lacity.org)

**RE: Notice of Protest and Appeal of Decisions Relating to Proposition HHH Housing Challenge Request for Proposals**

Dear Sir/Madam:

AIDS Healthcare Foundation, Inc. (“AHF”) submits this appeal and protest with respect to each and every decision made by the Los Angeles Housing + Community Investment Department (“HCIDLA”) related to the above referenced Request for Proposals (the “RFP”). This protest is timely filed with the HCIDLA pursuant to the appeal rights codified by the RFP (Section III.E.).

AHF is located at 6255 W. Sunset Blvd., 21<sup>st</sup> Floor, Los Angeles, CA 90028. For purposes of this appeal, you may correspond with AHF via email at [Jeffrey.Blend@aidshhealth.org](mailto:Jeffrey.Blend@aidshhealth.org).

On or about June 24, 2019, AHF submitted a timely proposal in response to HCIDLA’s HHH Housing Challenge RFP (issued on May 9, 2019). On August 22, 2019, AHF was notified by Jennifer Kim, HCIDLA Program Director, that AHF’s proposal was not selected for funding.

AHF appeals on the bases that the process HCIDLA followed to review, score, and award funds violated the reasons, criteria, and categories set forth in the RFP itself. AHF’s initial assessment of HCIDLA’s review, evaluation, and award recommendations suggests that the overall process, scoring, and funding recommendations are arbitrary and capricious; that HCIDLA failed to follow its established procurement procedures and California state law governing such procurements; and that HCIDLA fundamentally misinterpreted AHF’s proposal and capabilities to provide services under the RFP. Moreover, AHF’s response to the RFP was complete and met all of the requirements enumerated by the document. AHF is also concerned that considerations and biases outside the scope of a fair award process have been at play.

The evidence of HCIDLA’s noncompliance and violation of its legal obligations is solely in the possession of HCIDLA itself. AHF is submitting a public record request to HCIDLA seeking relevant documents related to the RFP process, and AHF will supplement this appeal when it obtains and reviews the requested material.

Because relevant evidence is solely in the possession and control of HCIDLA, AHF requests that final decisions or awards not be made under the RFP until AHF is allowed to provide supplemental material in support of this protest.

Please do not hesitate to contact me if you have any questions or require any additional information. I may be reached at (202) 543-1081 or via email at [Jeffrey.Blend@aidshealth.org](mailto:Jeffrey.Blend@aidshealth.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'JB Blend', with a stylized flourish at the end.

Jeffrey Blend  
Assistant General Counsel

Cc: Jennifer Kim, Program Director, [Jennifer.Kim@lacity.org](mailto:Jennifer.Kim@lacity.org)

# Exhibit D

August 27, 2019

**Via Email**

Custodian of Records

Los Angeles Housing + Community Investment Department

1200 W. 7<sup>th</sup> St., Suite 450

Los Angeles, CA 90017

Email: [hcidla.custodian@lacity.org](mailto:hcidla.custodian@lacity.org)

**RE: Request for Records Regarding HHH Housing Challenge Proposals**

Pursuant to the California Public Records Act § 6250 *et seq.*, AIDS Healthcare Foundation (“AHF”) requests copies of public records related to the consideration, scoring, and funding recommendations of all proposals or applications submitted in response to the above referenced Request for Proposals (the “RFP”). More specifically, AHF requests the following material related to the responses submitted to the RFP and to Los Angeles Housing + Community Investment Department’s (the “HCIDLA”) recommendations and scoring of the responses:

1. All rules, regulations, policies, procedures, guidelines, criteria, instructions and codes pertaining directly or indirectly to the RFP and the proposed awards related to the RFP;
2. Copies of all responses to the RFP submitted HCIDLA;
3. All documents (including, but not limited to, records, correspondence, communications, reports, minutes, memoranda, e-mails and notes) relating directly or indirectly to the RFP;
4. A list of all individuals who reviewed and scored RFP submissions;
5. Information showing the specific individuals assigned to assess and score each proposal;
6. Resumes and background information for each individual involved in scoring and evaluating proposals;
7. Any conflict of interest statements or disclosures submitted or signed by or on behalf of the individuals involved in scoring and evaluating proposals;
8. Evaluation, guidance and scoring instructions provided to individuals who reviewed and scored RFP submissions;
9. Scoring sheets associated with the review of AHF’s proposal;
10. Scoring sheets associated with each of the other applicants’ proposals;

11. Any evaluations or other assessments of AHF's proposal;
12. Any evaluations or other assessments of the other applicants' proposals;
13. Any correspondence between HCIDLA and the RFP applicants regarding a determination of the award of a contract pursuant to the RFP or the awarding of a contract pursuant to the RFP;
14. Any correspondence among or between HCIDLA, the individuals involved in scoring and evaluating proposals related in any way to the RFP; and
15. All rules, regulations, policies, procedures, guidelines, criteria, instructions and codes prepared by or in the possession of HCIDLA provided by any other County or State agency which govern the process for procurement applicable to this RFP.

AHF is willing to pay fees for this request up to a maximum of \$200. If you estimate that the fees will exceed this limit, please inform me before incurring such costs.

The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please note that AHF has filed an appeal of the award decisions related to this RFP, so time is of the essence in regard to obtaining the material requested. If you have any questions in the interim, please contact me at (202) 543-1081 or by email at [Jeffrey.Blend@aidshhealth.org](mailto:Jeffrey.Blend@aidshhealth.org).

Thank you,



Jeffrey Blend  
Assistant General Counsel

Cc: Jennifer Kim, Program Director, [Jennifer.Kim@lacity.org](mailto:Jennifer.Kim@lacity.org)

# Exhibit E



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

**Administration Bureau**

1200 West 7th Street, 9th Floor, Los Angeles, CA 90017  
tel 213.928.9071 | fax 213.808.8999  
hcidla.lacity.org

September 4, 2019

CoR File No. 22587

**VIA Email TO Jeffrey.Blend@aidshealth.org**

Subject: CPRA request regarding:  
HHH Housing Challenge Proposals, Request for Proposals (the "RFP")

Dear Constituent:

This letter is in response to your California Public Records Act (CPRA) request dated 8/27/2019 and received by this office on 8/27/2019 for documents related to Please note that the HHH Housing Challenge RFP was managed by the Mayor's Staff, although our Land Development Unit in HCIDLA assisted with the release of the HHH Innovative Housing Challenge RFP and threshold review, but all documents following the initial threshold review are held by the Mayor's team. Consequently, please contact the Mayor's office for records.

This Department is cognizant of its responsibilities under the CPRA and recognizes that the statutory scheme was enacted to maximize citizen access to the workings of government. However, after a search of our records, we cannot locate any records responsive to your request.

If you have any questions or need further information, please phone the Custodian of Records line at (213) 922-9612.

Sincerely,

A handwritten signature in black ink that reads "Joann M. Chen".

Joann M. Chen  
Custodian of Records

# Exhibit F



September 4, 2019

**Via Email**

ATTN: CUSTODIAN OF RECORDS  
Office of Mayor Eric Garcetti  
200 N. Spring Street  
Room 303  
Los Angeles, CA 90012  
Email: [mayor.garcetti@lacity.org](mailto:mayor.garcetti@lacity.org)

**RE: Request for Records Regarding HHH Housing Challenge Proposals**

Pursuant to the California Public Records Act § 6250 *et seq.*, AIDS Healthcare Foundation (“AHF”) requests copies of public records related to the consideration, scoring, and funding recommendations of all proposals or applications submitted in response to the above referenced Request for Proposals (the “RFP”). More specifically, AHF requests the following material related to the responses submitted to the RFP and to the Mayor’s office recommendations and scoring of the responses. Please note that AHF previously submitted an identical record request to HCIDLA who informed us that all relevant records are held by the Mayor’s office. I have attached the response from HCIDLA for your reference.

Specifically, AHF requests the following:

1. All rules, regulations, policies, procedures, guidelines, criteria, instructions and codes pertaining directly or indirectly to the RFP and the proposed awards related to the RFP;
2. Copies of all responses to the RFP submitted HCIDLA or the Mayor’s office;
3. All documents (including, but not limited to, records, correspondence, communications, reports, minutes, memoranda, e-mails and notes) relating directly or indirectly to the RFP;
4. A list of all individuals who reviewed and scored RFP submissions;
5. Information showing the specific individuals assigned to assess and score each proposal;
6. Resumes and background information for each individual involved in scoring and evaluating proposals;
7. Any conflict of interest statements or disclosures submitted or signed by or on behalf of the individuals involved in scoring and evaluating proposals;
8. Evaluation, guidance and scoring instructions provided to individuals who reviewed and scored RFP submissions;
9. Scoring sheets associated with the review of AHF’s proposal;
10. Scoring sheets associated with each of the other applicants’ proposals;

11. Any evaluations or other assessments of AHF's proposal;
12. Any evaluations or other assessments of the other applicants' proposals;
13. Any correspondence between HCIDLA, the Mayor's office, and the RFP applicants regarding a determination of the award of a contract pursuant to the RFP or the awarding of a contract pursuant to the RFP;
14. Any correspondence among or between HCIDLA, the Mayor's office, the individuals involved in scoring and evaluating proposals related in any way to the RFP; and
15. All rules, regulations, policies, procedures, guidelines, criteria, instructions and codes prepared by or in the possession of HCIDLA or the Mayor's office provided by any other County or State agency which govern the process for procurement applicable to this RFP.

AHF is willing to pay fees for this request up to a maximum of \$200. If you estimate that the fees will exceed this limit, please inform me before incurring such costs.

The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please note that AHF has filed an appeal of the award decisions related to this RFP, so time is of the essence in regard to obtaining the material requested. If you have any questions in the interim, please contact me at (202) 543-1081 or by email at [Jeffrey.Blend@aidshealth.org](mailto:Jeffrey.Blend@aidshealth.org).

Thank you,



Jeffrey Blend  
Assistant General Counsel



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

**Administration Bureau**

1200 West 7th Street, 9th Floor, Los Angeles, CA 90017  
tel 213.928.9071 | fax 213.808.8999  
hcidla.lacity.org

September 4, 2019

CoR File No. 22587

**VIA Email TO Jeffrey.Blend@aidhealth.org**

Subject: CPRA request regarding:  
HHH Housing Challenge Proposals, Request for Proposals (the "RFP")

Dear Constituent:

This letter is in response to your California Public Records Act (CPRA) request dated 8/27/2019 and received by this office on 8/27/2019 for documents related to Please note that the HHH Housing Challenge RFP was managed by the Mayor's Staff, although our Land Development Unit in HCIDLA assisted with the release of the HHH Innovative Housing Challenge RFP and threshold review, but all documents following the initial threshold review are held by the Mayor's team. Consequently, please contact the Mayor's office for records.

This Department is cognizant of its responsibilities under the CPRA and recognizes that the statutory scheme was enacted to maximize citizen access to the workings of government. However, after a search of our records, we cannot locate any records responsive to your request.

If you have any questions or need further information, please phone the Custodian of Records line at (213) 922-9612.

Sincerely,

A handwritten signature in black ink that reads "Joann M. Chen".

Joann M. Chen  
Custodian of Records

# Exhibit G



ERIC GARCETTI  
MAYOR

September 16, 2019

VIA E-MAIL: (Jeffrey.Blend@aidshealth.org)

Jeffrey Blend  
AIDS Healthcare Foundation  
517 C Street NE  
Washington, DC 20002

***Re: California Public Records Act Request***

Dear Mr. Blend,

This letter responds to your September 4, 2019 California Public Records Act ("CPRA") request to the Office of the Mayor of Los Angeles ("Office") seeking certain "records regarding HHH Housing Challenge Proposals" ("Request").

It is our policy not to disclose materials related to competing bids while the contracting process is still ongoing. You may resubmit your Request at a later date, if you so choose.

Sincerely,

SKYLER GRAY  
Deputy Legal Counsel  
Mayor Eric Garcetti

# Exhibit H



Eric Garcetti, Mayor  
Rushmore D. Cervantes, General Manager

September 12, 2019

AIDS Healthcare Foundation  
6255 W. Sunset Blvd., 21<sup>st</sup> Floor  
Los Angeles, CA 90028

Attention: Jeffrey Blend, Assistant General Counsel

**Subject: Appeal of Funding Recommendation for HHH Housing Challenge**

Dear Mr. Blend:

The Mayor's Office and the Los Angeles Housing + Community Investment Department (HCIDLA) have reviewed your organization's protest and appeal of the final funding recommendations for the HHH Housing Challenge. According to the RFP, proposers may appeal procedural issues only, not the final scores. After careful review of the appeal, it has been determined that the decision not to recommend funding for AHF's proposal remains valid for the reasons detailed below:

- i) We find no basis for the claim that the processes used to review, score, and award funds violate the reasons, criteria, and categories set forth in the RFP;
- ii) We find no basis for the claim that the overall process, scoring, and funding recommendations are arbitrary and capricious. From the outset of the HHH Housing Challenge, we have been transparent with regard to our review process by providing the evaluation tool that would be used to score the proposals and by clearly outlining how each scoring category would be calculated to determine a final score (refer to the RFP, Section III.D). Each proposal was scored using the same evaluation tool and scoring instructions;
- iii) On the grounds that HCIDLA failed to follow its established procurement procedures, please note that the HHH Housing Challenge RFP was intended to be different than HCIDLA's standard HHH Supportive Housing Loan Program RFPs. Differences in the Housing Challenge RFP were outlined in publicly-available documents; subject to public comment; fully approved by the HHH Oversight Committees, City Council, and the Mayor; and described in bidder conferences to all interested applicants before bid submissions were due; and
- iv) We find no basis for the claim that HCIDLA fundamentally misinterpreted AHF's proposal and capabilities to provide services. While AHF met threshold and eligibility requirements, the proposal did not obtain the minimum score requirement of 75 points. As the RFP was oversubscribed and competitive, not all proposals that met threshold and eligibility requirements could be recommended for funding.

The review period is now closed and additional appeals on procedural grounds will not be accepted. As indicated in the RFP, appeals that challenge the final score are not permitted and will not be accepted.

The Mayor's Office has scheduled a debrief session with AHF to take place on September 18, 2019. An overview of why points were deducted in each category will be provided at that time. Thank you.

Sincerely,

*Jen Kim*

Jen Kim  
Program Director